SENATE—*Tuesday, May 11, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

** * * ye shall know the truth, and the truth shall make you free.*—John 8:32.

Eternal God, when Pilate asked Jesus, "What is truth?" the word was meaningless. Everything was true, anything was true, or nothing was true. The temporal Emperor was the only god Rome knew. Life was cheap. Morality was whatever one desired it to be. Paganism, barbarianism was the environment. Has Western civilization reverted? Have we become a pagan America?

Gracious God of truth and justice, awaken us to the critical nature of our social condition. We have a Bureau of Standards. We could not do business without a clear understanding of ounces and pounds, inches and feet, pints and gallons, minutes and hours. We live by these standards daily. Yet when it comes to morality, we have no standards. All sports are governed by rules. But in our culture, each makes his own rules. We take seriously the laws of physics, but we observe no moral law. We have no God, not even a Caesar. We have become a godless, relativistic culture. Anything goes. Save us, Lord, from this way that leads to self-destruction.

We pray in His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 11, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, there will be a period for morning business until 11:30 a.m. today at which time the Senate will resume consideration of the conference report accompanying H.R. 2, the national voter registration bill, with the time from 11:30 a.m. until 12:30 p.m. and then from 2:15 p.m. until 3 p.m., equally divided and controlled between Senators FORD and MCCONNELL or their designees.

The Senate faces yet another filibuster on this bill and, at 3 p.m. today, the Senate will vote on a motion to end this most recent filibuster. From 12:30 p.m. until 2:15 p.m. the Senate will stand in recess in order to accommodate the respective party conference luncheons.

If the Senate does not vote to end the latest filibuster this afternoon, another vote to do so will occur tomorrow at a time to be determined by the majority leader after consultation with the Republican leader.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour of morning business shall be under the control of the Senator from West Virginia.

FILIBUSTERS

Mr. MITCHELL. Mr. President, if the Senator will permit me to just briefly make a statement with respect to filibusters, I want to repeat something I said Friday, because I think it is important that the Senate and the American people understand the situation we face.

From 1919 until into the 1970's, a period of more than a half-century, there were on the average fewer than one filibuster a year in the Senate. In many Congresses, for a 2-year period, there were no filibusters at all. Throughout that period and throughout most of our Nation's history, it was by consent agreed that the filibuster would be reserved for matters of grave national importance which for the most part did not involve party considerations.

It is only recently in our Nation's history that the filibuster has come to be used as a party tactic and as a regular occurrence in the Senate. Contrasted with that more than half-century in which there were fewer than one filibuster a year, in the most recent Congress, the 102d Congress, here in the Senate there were filed motions to end filibusters 48 times. Forty-eight times the Senate had to attempt to break a filibuster.

It is very clear that what is occurring in the Senate now is without precedent in our Nation's history and is, I believe, most regrettable. We now confront a filibuster on a regular, almost weekly, basis on almost every major bill that we attempt to bring up.

We are experiencing that right now on the voter registration bill. This is a bill that has already passed the Senate once and passed the House twice. The overwhelming majority of the American people support the bill. The President supports the bill. The House has passed the bill twice. The Senate has passed the bill once. And yet we face yet another filibuster.

It is a most regrettable course of events, and I hope very much that at 3 o'clock today the Senate will vote to end this latest filibuster so that we can proceed to do this and the rest of the Nation's business.

Mr. President, I yield the floor, and I thank my colleague for his courtesy.

Mr. BYRD. The majority leader is welcome.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. One hour.

Mr. BYRD. Mr. President, I thank the Chair.

THE LINE-ITEM VETO II

Mr. BYRD. Mr. President, the line-item veto was included in the Constitution of the Confederate States of America. It was first proposed at the Federal level by Ulysses Grant in 1873, and 3 years later, in 1876, the first resolution to amend the Constitution to provide for the President of the United States the line-item veto was introduced in the House of Representatives by a Representative from the State of West Vir-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ginia, Charles James Faulkner. Since that time, scores of such resolutions have been introduced in both bodies.

Mr. President, last week I spoke of the line-item veto and other quick fixes, and I stated that, through the 12 years of the Reagan and Bush administrations and continuing into today, these popular fixes—I should call them expediencies—have been and continue to be advanced as cure-alls for the bloated budgets that have us drowning in a sea of red ink.

I stated last Wednesday that we have a responsibility as Members of the Senate and Members of the House to examine these popular expediencies through the broader context of hundreds and hundreds of years of history which preceded the brilliant work of the constitutional framers in developing the counterweights of constitutional checks and balances in Philadelphia in 1787.

And we have also a duty to remember our solemn oath to protect and defend this delicate structure.

I spoke on last Wednesday of a covenant that we have with the past—the dead who have gone on before us—and the covenant that we have with the yet unborn who will reap the harvest that we leave behind.

I said that that is a solemn covenant—it is not one to be taken lightly—and we have a duty to honor that covenant, a duty to those of the past who now sleep in calm assurance that we will not betray the confidence that they have placed in our hands, and a covenant with the future, those who wait in the beyond, confident that we will not cheat them of their birthright.

Mr. President, my purpose in saying these things and in making these speeches is to sound a note of caution and to jar us out of the complacency of focusing our attention solely on the immediate. For if we, as a nation, and if we, as Senators, succumb to the nearsightedness of only that which is imminent, and the egoism of only that which affects us personally, then, Mr. President, we are surely lost.

I spoke of that great author-philosopher Montesquieu, who was greatly influenced by the contemporary institutions of his time in England and by the history of the Roman people. He wrote an essay, a famous essay, on the greatness and decline of the Romans.

It is commonly believed that his knowledge of Roman history and his recognition of, and belief in, the institutions of England, that these most influenced him in his development of political theory—a political theory which was subscribed to by our forefathers who wrote the Constitution—that theory being that the three powers—judicial, executive, and legislative—should be kept separate and distinct from one another and, as a result, there would be political freedom; whereas, if those three powers were lodged in one individual, as in France, it was Montesquieu's belief that the result would be tyranny.

And, so, Mr. President, I believe that we should examine the history of these great people, these very remarkable people, the Romans, and their extraordinary state system which so much influenced Montesquieu, and, through him, influenced the framers of the American Constitution.

This will, necessarily, have to be a brief and a very abridged capsulation of Roman history and English history as they are brought to bear upon our discussions of separation of powers and checks and balances, the supreme balance wheel, the supreme pillar upon which the constitutional system of our country rests—as I discuss these, I will discuss only a few events which constitute milestones, as it were, in the history of the Roman people and which will bring out those extraordinary factors in Roman life and those extraordinary things about the Roman people that should be of importance to us today, as we see our own Republic deteriorating. I shall discuss the things that made the Romans the foremost people of their time and made the Roman Republic the foremost Republic of ancient times and made the Roman empire the foremost ancient empire.

National pride led the Romans to connect their history with the history of the Greek world and led them to forge links with Greek mythology. Tradition, therefore, developed the legend of the flight of Aeneas from Troy with his father, Anchises, and his son, Ascanius, who founded the ancient city of Alba Longa in Italy in circa 1152 B.C., from which Rome was an offshoot, and which was the legendary birthplace of Romulus and Remus. Thus, evolved the foundation stories which attributed a Trojan origin to the Romans through Aeneas, and attributed to his descendents, Romulus and Remus, the founding of Rome in 753 B.C.

Tradition has it that the twin brothers, Romulus and Remus, were set afloat in a basket on the river Tiber by their mother, Rhea Silvia, she having been so commanded by the king, King Amulius.

The basket was later found by the keeper of the royal flock, Faustulus, who took the twins from the basket and gave them to his wife, Larentia, to rear. In due time, Romulus and Remus, decided to found a city and they agreed to let the gods determine by augury from whom the city would be named and who would govern the city.

Remus was the first to observe six vultures flying overhead, and he accepted this as an augury from the gods. Romulus, waiting on another of the 7 hills of Rome, later saw 12 vultures. So, each laid claim to the kingship—Remus, by virtue of his having priority, in seeing the augury first; Romulus, by virtue of his having seen double the amount of vultures in the augury. Incidentally, throughout the long history of Rome, it was felt that the 12 vultures indicated that Rome would exist for 12 centuries. And, indeed the western seat of the Roman empire existed 1229 years, from 753 B.C. to 476 A.D.

The followers of each, Romulus and Remus, laid claim to the kingship. There developed a contention between the two, and Romulus in a fit of anger slew his brother Remus. The city was named after Romulus and he became the first king. He ruled from 753 to 716 B.C. He created a Senate of a membership of 100 of the leaders of the top families, the clans. The purpose of the Senate was to advise Romulus, the king, and to aid him in the administration of the city.

Romulus eventually determined that the men, who had come from various areas in the nearby region, needed some wives, and so he, upon the advice of the Senate, sent embassies around to the neighboring tribes to see if they would enter into an alliance and be willing to intermarry with the men of Rome.

The neighboring tribes rejected these embassies and so, according to tradition, Romulus invited the Sabines to participate in certain games in honor of Neptune. During the games, at a given signal, the Romans seized the maidens of the Sabines and carried them away. There then developed a war between the Sabines and the Romans, but by that time the wives of the Romans were attached to their Roman men and they pleaded with their fathers and brothers, and their husbands to stop the war and to live at peace. The two contending peoples did that. The Sabines, however, felt that they ought to have someone who would share the sovereignty with King Romulus. Therefore, Titus Tatius, a Sabine, was chosen and for a while those two men worked and ruled together in peace and harmony. Ultimately, Titus Tatius was killed by a mob and Romulus once again became the sole ruler of Rome until the year 716. In a severe storm he was enveloped in a cloud and, during a great clap of thunder, was swept up into heaven.

The Romans were without a king for about a year as the Senators could not decide on anyone in particular. Finally, the people demanded that there must be a king and so the Roman Senate told the people that they could select a king but that person would be king only after the Senate stamped its imprimatur upon him. And the plebeians, the people generally, thought that this was a very gracious act upon the part of the Senate but they said that the Senators should select the king. The Sabines felt that they ought to have a king since Titus Tatius had been dead for some time, and there was

a very pious and just man who was a Sabine by the name of Numa Pompilius. The people accepted the Senate's selection of Numa Pompilius as king, and he reigned from 715, one year having elapsed as an interregnum following the death of Romulus to 672.

Numa Pompilius being the religious and just man that he was, thought that the Romans—this new city of the people—should be imbued with a respect and reverence for providence, for the gods. So he pretended to have nocturnal meetings with Egeria, a nymph, or Goddess of water. From her, he pretended, as he came back to his people, to have received instructions as to the priesthood, and as to the establishment of religious rituals. Numa Pompilius established the priesthoods, established the rituals, the ceremonies which would be held in worship of the various and sundry gods, and appointed the vestal virgins to carry out the vestal service. He also provided for a stipend for them and decreed that they should maintain their virginity throughout their service.

From the beginning, therefore, the Roman people were imbued with a reverence for providence; theirs were pagan gods but they worshipped them and they felt that these gods had an interest in their destiny, the destiny of the Roman people, and that it was their purpose as a people to fulfill and carry forward that destiny of the Roman people.

From the very beginning, therefore, we see that deep reverence for the gods.

Then upon the death of Numa Pompilius in 672, the people elected, and the Senate confirmed, the next king, Tullus Hostilius. He taught the Romans military arts. He built a Senate house for the 100 members of the Senate, and he led the Romans in their frequent wars. Actually, they were constantly warring with neighboring tribes Tullus Hostilius reigned until 640 B.C.

Ancus Marcius was then chosen king. He reigned from 640 to 616 B.C. He built the first bridge across the Tiber. He also built the first prison in the city to deal with the lawlessness, such as it was. When he died, Lucius Tarquinius Priscus, an Etruscan, became king. He reigned from 616 to 578. He was a good king. He increased the Senate membership to 200, and he undertook to build a wall around the unfortified sections of the city. He was the first to, make a political speech in the effort to sway the multitude he being the first to campaign for the kingship. He built sewers that led down to the Tiber.

Upon his death in 578, Servius Tullius was named king by the people and confirmed by the Senate. The people chose, but the Senate had to ratify their choice always. Servius Tullius instituted the first census among the Romans, and he reigned from 578 to 534. Then, the last of the seven kings, Lucius Tarquinius Superbus, or Tarquin the Proud, became king. He reigned from 534 to 510 B.C. He was the first king to disregard the advice of the Senate. He decided capital cases by himself without advice. So he struck terror among the population. He executed a good many of the Senators and sitting as the sole judge in civil and criminal cases, he was in a position to exile or to execute, or to declare forfeit the lands and properties of the people. In this way, he was able to plunder and enrich himself.

Ultimately, his son, Tarquinius Sextus, raped Lucretia, the wife of Tarquinius Collatinus. Shakespeare writes about this in the Rape of Lucrece. Lucius Junius Brutus, a friend of Tarquinius Collatinus, rallied the people around himself and drove Tarquin the Proud out of Rome, together with all of his family. Lucretia, after telling her father and her husband, Collatinus, about the crime committed by Sextus Tarquinius, committed suicide. Lucius Junius Brutus, therefore, took up the cause and, as I say, drove Tarquin the Proud out of Rome in 510 B.C. Sextus Tarquinius was eventually slain.

For a year, there was no ruler of the Roman people. Lucius Junius Brutus made the Roman people swear that they would never again submit to the rule of kings. He was chosen consul and with him was chosen a colleague, Tarquinius Collatinus. They were the first two Roman consuls. The Roman consuls were colleagues. Each could serve for 1 year. Each was given the Imperium, in other words, the supreme command over civil and administrative and military affairs.

Each had 12 lictors. The lictors were men, usually of the lower class, who preceded the consul and cleared the way for him, who executed his orders and who executed people in the event that the consul decreed such an execution. The lictors carried a bundle of rods made of elm or birch, and in the midst of these rods were axes to indicate the supreme authority of the officer having the Imperium. These were called fasces. So each consul had 12 lictors. Later on, when Praetors were created, each of them only had six lictors. Later on, when a Dictator was created, he had 24 lictors, showing that his command was supreme even over the consuls.

Here we see developing, a check and balance. Each consul had equal authority with the other consul. Each consul could veto the actions of the other consul, and each consul, as I say, could only serve 1 year. So, the Romans were determined that nobody would become such a power as to equal that of a king again.

There were, therefore, these checks and balances between these two consuls. And all other magistrates were subordinate to them. They carried out the wishes of the Senate, the recommendations of the Roman Senate expressed through what was called a senatus consultum. It did not have the formal title of law, but de facto, it was the same as law.

Tarquin the Proud, having been driven from Rome, solicited the support of Lars Porsena, an Etruscan king, king of Clusium, in restoring him, Lucius Tarquinius Superbus, to the thrown, to the kingship of Rome.

Lars Porsena came with a great army and started to cross the Sublician Bridge across the Tiber. Horatius Cocles, one of the foremost of the Roman military men, stood on the bridge with two companions, and withstood the attacks of this Etruscan army, urging, in the meanwhile, that the Romans destroy the bridge behind him so that the Etruscan army could not get across the river.

The bridge was destroyed and Horatius Cocles plunged into the river and swam to safety. This is the subject of one of Macaulay's lays of ancient Rome. This event occurred somewhere between 509 B.C. and 500.

The Romans were divided into two distinct classes, the patricians and the plebeians. The patricians held all the seats of authority and the offices in the priesthood, and membership in the senate. And for a long time, Senators patricians' sons, inherited the seats.

I should mention that Brutus, the first consul, added 100 members of the senate, bringing its membership to 300.

But the patricians and the plebeians had an ongoing contention, the plebeians feeling offended, for one thing, in that there could not be intermarriage between the patricians and the plebeians. The patricians held, as I say, all of the important offices of authority in the military and in the civil administration, and in the senate. They were the wealthy class. Yet, the plebeians helped to do the fighting, furnished most of the soldiers. Whether one served in the military depended upon whether or not he owned property, and consequently his voting in the comitia curiata and later, the comitia centuriata, depended upon his ownership of property as well.

Moreover, the plebeians were ridden down heavily by debt. They were not able to stay on their farms throughout the year, because they had to leave their farms and fight for the city in its frequent wars with the neighboring tribes. Consequently, they went into debt. Creditors were given the right to exile or even to execute or to sell into slavery the debtors.

In 494 B.C., circa, the plebeians seceded to the Sacred Mount about 3 miles from the Anio River and threatened to become a city within a city. The senate and the patricians became uneasy because they knew they had to have the plebeians in order to fight in any war, and they were concerned that

some invader might choose this particular moment to invade the city.

The senate, accordingly, sent one of its foremost members, Menenius Agrippa, out to the Sacred Mount to plead with and attempt to reconcile the plebeians. He told them the famous fable of the belly, a story about the interdependence of the belly and the various members of the human body. The plebeians were reconciled but only after they had gained the concession of being able to elect someone of their own as an official who would protect them and their property against the patricians. That office was called a tribune.

They were allowed to elect two tribunes in 494; later, I believe about 457, these two were increased to 10, and, at later times, they were increased to greater numbers. There were both military tribunes and civil tribunes.

Here again, we see checks and balances coming into play. Each tribune—at first, as I say, there were only two tribunes—each tribune could veto the acts of the other tribune; each tribune could veto the acts of a consul; each tribune could veto and annul the senatus consulta: proclamations and advice of the senate. The tribunes were declared inviolable. And the plebeians swore an oath that, if any individual interferred with a tribune, harmed him in any way, or disregarded that tribune's veto, that individual would be executed without trial. And so the tribune had great power and the aura of inviolability.

Here, we see two consuls and two tribunes, the veto working back and forth, and the senate with its 300 men.

Then, circa 490 B.C., the Romans were at war with the Volscians, and the Romans laid siege to the town of Corioli. There was a young man by the name of Gnaeus Marcius, and, as the city was being besieged, a second Volscian army attacked the Romans, whereupon the besieged Volscians within the city made a sortie, and the Romans were being pressed from both sides. When Marcius saw that the gates were left open and after the Volscians sallied forth from the city, he ran into the city and set the houses on fire. Amid this great confusion, the Volscians fled. The Romans prevailed, and Marcius was given the surname of Coriolanus.

Coriolanus then subsequently was encouraged to run for the office of consul, but he was defeated because he made the kind of speeches that were not likely to gain the support of the electorate because he told the truth. He gave the people the facts. He was not a demagog. As a result, they ran him out of the city. He was exiled, and he went over to the Volscians. His host there was Tullus Attius, the leader of the Volscians. Coriolanus led the Volscians, attacked the city of Rome, and camped within 5 miles of it.

When the senate sent out ambassadors, leading senators who attempted to prevail upon Coriolanus to lift the siege, they were turned away.

Finally, the women of the city prevailed upon the wife and mother of Coriolanus to go to Coriolanus with his two little sons and see if they, the mother and wife of Coriolanus, could prevail upon him to lift the siege. The mother and wife did that, and in the company of other women went to the camp of Coriolanus and were introduced into his presence weeping and praying that he would lift the siege.

Tites Livius and Dionysius of Halicarnassus names the mother of Coriolanus as Veturia and the wife as Volumnia, but Plutarch and Shakespeare give the mother the name of Volumnia and the wife the name of Vergilia. Livius and Dionysius of Halicarnassus give the name of the Volscian leader as Tullus Attius, whereas Shakespeare and Plutarch called the Volscian leader Tullus Aufidius. In any event, the women went out to the camp of Coriolanus, he lifted the siege, and returned to live with the Volscians. This was in 490.

In 458 B.C., the Romans were being hard pressed by the tribes from the east, the Aequians, and the Aequians were gaining the upper hand. A Roman general by the name of Minucius and his army had been surrounded by the Aequians for 3 days. The Roman senate decided to call upon Lucius Quinctius Cincinnatus to take up the fight against the Aequians. Cincinnatus was plowing on his small 3-acre farm on the west side of the Tiber, according to Livius, "just opposite the spot where the shipyards are today." The delegation from the senate came out to the field where Cincinnatus was working with the plow. He asked them why they were there. They stated the danger from the Aequians and told him he had been selected as Dictator; he was to put on his toga and rid the Romans of this threat. Whereupon, he wiped the sweat from his face and told his wife Racilia that his fields "would not be sown this year" and that they would be "in great danger of not having enough to live on." He left the farm, defeated the Aequians, laid down the dictatorship after a period of 16 days, and returned to his little farm and his oxen plow.

So here we see the creation of another office, the dictatorship. A Dictator could only serve for 6 months, or to the end of the crisis for which he was selected. That was the utmost length of the term which a dictator could serve, but he had supreme Imperium over all other magistrates. He had 24 lictors, as I have indicated. But Cincinnatus demonstrated that rare, old-fashioned quality of not wanting to rule. He was the model of old-fashioned simplicity and ability, honesty and integrity. So he laid down the office after 16 days.

By now, we have seen the office of senator, the office of consul, the office of tribune, and the office of dictator. The Dictator had complete command of everything and everybody. He could command that no business be transacted, and he could raise an army and execute the laws and execute people.

The tribunes, meanwhile, kept agitating to have the same rights and to be governed by the same laws as the patricians were governed by. The tribunes finally prevailed upon the senate to send a delegation to Greece to study the laws of Solon. About 454 B.C., a commission went to Greece and returned after studying the laws of Solon, and in 451, ten individuals were selected and given all authority, all power, even over the consuls. They were given one year in which to promulgate the laws so that the plebeians would have the same knowledge of the laws as previously only the patricians had. Only the patricians had the knowledge of the law, the knowledge of legal procedures, and so on. The plebeians were at a great disadvantage as a result.

The decemvir met and over the course of a year promulgated 10 tables of law. There was still some work that remained to be done. Accordingly, they assumed this authority for 1 additional year and during that year, two additional tables of law were produced, mainly by Lucius Valerius Potitus and Marcus Horatius Barbatus, who were members of the Roman senate.

These were the Twelve Tables of the Law. The laws were created, promulgated, and placed, some say, on bronze tablets, others say wooden tablets, which, in turn, were deposited in the Roman forum as the Law of the Twelve Tables in 450 B.C. For a long time these were the basic governing civil and criminal laws. The Twelve Tables were destroyed when Brennus and the Gauls captured Rome in 390 B.C. But the children of the Romans were required to memorize the Law of the Twelve Tables. Cicero also memorized the Law of the Twelve Tables. He was born in 106 B.C., died in 43 B.C., the year after Caesar was assassinated. Even though the Law of the Twelve Tables was destroyed in the invasion and capture of Rome by Brennus, destroyed by the fires, the laws were written again through the recollection and memories of people.

In 445 B.C., under the Canuleian Law, named after a Roman tribune by the name of Canuleius, the patricians and plebeians were allowed to intermarry. So, again, the plebeians had gained something that they had been seeking for a long time—the right of intermarriage.

In 443 B.C., the Office of Censor was created. The Censor was elected once every 5 years for a term of 18 months. He took the census and assessed the property of the Romans for the purpose

of taxation. He also had jurisdiction over public contracts, and awarded contracts for buildings, for highways, and other public contraction. At a later time, we shall recall that Cato the Elder was a Censor. The Censor could enroll people into the Senate or into the Equestrian Order—about which I will have more to say later—and he could purge the rolls of Senators. He could remove a Senator from office because of bad conduct on the part of the Senator, public or private.

Hurrying on now to another milestone. In 396 B.C., a man by the name of Marcus Furius Camillus was able to capture the Etrurian City of Veii, which had been at war with the Romans for about 10 years. Camillus was able to capture the city by burrowing a tunnel underneath it and having his men come up into the central fortress in the midst of the city. Later, he was indicted by a Tribune for allegedly not having made an accurate accounting of the plunder that had resulted from the capture of Veii; so he was exiled.

In 390 B.C., Brennus and the Gauls captured Rome, and executed many of its citizens and were prevailed upon to lift the siege only upon the delivery by the Romans of 1,000 pounds of gold, several hundred pounds of silver, and several hundred pounds of pepper, together with robes and other valuable cloth.

Camillus was requested by the Senate to come back to the city as Dictator. He came back and found the Gallic chieftan and the Romans dickering over the gold. Whereupon, Camillus commanded his army to put down their baggage and prepare to fight. He said to the Romans: "It is your duty to restore your country not by gold but by the sword." He defeated the Gauls and relieved the city.

The Samnite wars took place over the period 343 B.C. to 290 B.C. Then there came the war with the Greeks who were in southern Italy, the war with Pyrrhus, the King of Epirus—the battles of Heraclea and Asculum.

I shall close my examination today of the Roman peoples and the state system as it was developing the checks and balances that we have seen occurring.

What we are seeing as we go along, is a state system, a political system that had checks and balances, and separation of powers. The Romans arrived at this system, not by reasoned thought but by experimentation and experience, and by developments from events as they went along, unlike Lycurgus, who, in his development of the Spartan system, did so by a process of reasoning. The Romans were not philosophers. They were practical people. Therefore, they arrived at a system through experience, trial and error, over a period of centuries, which was in some ways similar to the system developed by Lycurgus, about which I shall speak at a later time, a system which, in his case, was determined through the processes of reasoning. In my next addresses to the Senate on this subject, I shall speak of Tarentum, Heraclea, Asculum, and Pyrrhus, King of Epirus.

RESERVATION OF LEADER TIME

Mr. CAMPBELL. Madam President, on behalf of the majority leader, I ask unanimous consent that the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Madam President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Colorado is recognized for 5 minutes.

SAVE OUR KIDS

Mr. CAMPBELL. Madam President, I come to the floor today to speak in support of a bill which is very important to the future of young people in our country. This is S. 919, the National Service Trust Act of 1993. I am proud to be an original cosponsor of this legislation, which seeks to expand and improve our existing national and community service programs. The youth in America need these types of programs to give them hope, to bring them out of the endless cycle of poverty, violence, and despair that permeate, not just our urban areas, but also in our rural areas and Indian reservations.

I grew up in an environment where poverty and alcoholism were prevalent; I know what it is like to feel that despair. I hear some of my colleagues talk about this pork program and that swimming pool or gymnasium. It is cheaper to build gyms than prisons. I am a product of a publicly funded gymnasium, and if I had not had that outlet, I think I would have been in a different kind of institution than this one. It would have had bars on the windows. I am in full support of any program that provides alternatives for kids, be it after-school programs, community service programs, area pools or gyms, if this is what it takes. The National Service Program will provide opportunities, will give these kids a chance.

Just as President Kennedy inspired a generation of young people to devote years of their lives in service through the VISTA and Peace Corps Programs, President Clinton is asking citizens to give their time, energy, and expertise as participants in the National Service Program. The National Service proposal would establish a tradition of service by expanding existing programs and developing new and innovative programs which promote community service.

These programs would not only benefit the participants, through stipends for college or vocational training, but also the communities and the people that live in those communities. Many programs, funded by the National and Community Service Act of 1990, have been very successful and have the potential to expand and serve more young people and communities if we are willing to give them a chance.

We have a program in Denver called the Denver Urban Conservation Corps. DUCC. This is the only program in the metro area that deals with high-risk youth who have been involved in gang activity. It is the oldest, full-time, year-round corps in the Rocky Mountains. The gang population in the Denver area has tripled in the past 2 years, from 2,000 in 1991 to 6,000 today. DUCC only has enough funding to serve about 30 corps members. That is a big problem. I do not know how we are expected to save youngsters on the streets of our inner cities if we are not willing to put resources into these programs. We are only servicing a fraction of them now.

One of the Denver corps members recently said that the program helped educate him about real life and what it takes to be successful.

That program depends on the National Service funds to keep running and wants to increase funding in order to expand and set up similar programs throughout the State of Colorado.

This National Service Program will cost money—and I know it is not a popular time now to talk about spending money—but with the increase of the gang population, the loss of jobs in the country, and the lack of alternatives for these young people, I firmly believe we cannot afford not to fund these programs.

In California, in the 4 years after proposition 13, the gang population in Los Angeles went from 10,000 to 42,000. Not to fund programs simply means many of those youngsters will end up in prisons, where it is costing the Federal Government—that is, the taxpayers—about $28,000 a year to incarcerate one of these youngsters that could have been taught a better lifestyle.

We need to establish a structure of national and community service to occupy and to challenge the young people of our country to be able to succeed tomorrow and not to add to America's exploding prison population.

I yield back my time, Madam President.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

BOSNIA

Mr. GORTON. Madam President, during the course of the last several

weeks, in an understandable reaction to the horrors of ethnic cleansing being performed in Bosnia, the administration seemed to be drifting this country toward semiwar or limited war in Bosnia.

In the course of the last week, on two separate occasions, Members of the Cabinet have led briefing sessions with any Members of the Senate who wished to attend. Those sessions have been long on the discussion of abstract theories and long on a list of options. They have been short, however, on any course of action to be proposed by the President. They have also been lacking any discussion of how a majority of the people of the United States are to be persuaded to follow that course of action, and lacking any definite discussion of the policy goals which each of these many options are designed to attain.

To the best of my understanding, one potential course of action would simply be to stop the fighting and protect civilians now being bombarded in various Muslim enclaves—a course of action which, of course, would reward Serbian aggression and leave Western Europe with hundreds of thousands of Bosnian refugees.

A second course of action would be to crowd the Bosnian Serbs into approving the Vance-Owen plan and, thereafter, send American troops to enforce the hundreds of miles of internal borders which would be established by that plan, a plan which would also reward aggression, though not so blatantly as would a cease-fire in place.

A third potential course of action less discussed by members of the administration is the punishment for that Serbian aggression in a decisive fashion, which would result in its not being rewarded in any respect whatsoever.

A fourth course of action sometimes discussed is a discouragement of future aggression in other places in the Balkans or Europe or elsewhere.

Fifth, is the lifting of an arms embargo to allow Bosnians and, inevitably, Croatians to have the weapons with which to defend themselves or, for that matter, to liberate those portions of those countries now occupied by the Serbs.

And finally, sixth, an implicit course of action is to back down, with whatever loss of America's prestige that would be attended by.

For the first two, if the administration should choose either to stop the fighting in place or to attempt to cause the Bosnian Serbs to agree to Vance-Owen, it will be required that we engage in the use of American air power in Bosnia and later almost certainly to send American troops to enforce almost unenforceable boundaries, boundaries that will still leave major minority elements of the various ethnic groups behind lines controlled by what now are their deadly enemies. Almost without exception, our military officers have seriously questioned the effectiveness of the use of air power alone. And both of these courses of actions will inevitably result in American casualties—perhaps limited, perhaps significant—to enforce an end to this war, which will reward the aggression of the Bosnian Serbs.

I must say that I am unwilling to sacrifice a single American life to reward that form of aggression. And it will take the considerable eloquence of the President, I believe, to persuade a majority of Congress that that is a sound and wise and just course of action.

But to this point, however, we simply have not been asked even to do that. We hear that is an option. We do not find ourselves with any real leadership from the President.

The fifth course of action, of course, to lift the arms embargo not only with respect to the Bosnians but inevitably the Croations, as well, because that is the only way arms could be found there, at least will not cost American lives and would seem to me to be an appropriate course of action.

But there cannot be any course of action accepted, any course of action which will meet with approval here, until the President determines what our goals should be and uses his great persuasive powers to cause this body, the House of Representatives, and the people of the United States to approve of it.

Madam President, we have not yet seen a clear definition of what America's goals should be, and determining those first is absolutely essential. American involvement in Bosnia is not a subject which the President wished to deal with. It is brought upon his Presidency and by our leadership in the world.

That kind of leadership, a rationale for a course of action, a statement of goals and a statement of means by which those goals can be met, is an absolute essential which we presently lack.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

The Senator from Maine is recognized.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN and Mr. DECONCINI pertaining to the introduction of S. 928 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Madam President, I ask unanimous consent that I be allowed to complete the time allotted to me before we pass from morning business to regular session.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas is recognized for up to 10 minutes.

BOSNIAN POLICY

Mr. GRAMM. Madam President, this morning I want to talk about crime. But before I do I would like to say something about Bosnia.

I think all of us have been sobered by the cold reaction of Europeans to the use of military force in Bosnia by the United States and by the allies. One of the things that I am hopeful of, when a final policy decision is made by the President, is that I can support that decision. If there is one principle that I have been committed to in my years of public service it is that, to the maximum extent possible, partisanship ought to end at the water's edge.

I will therefore make an effort to try to give the President the benefit of the doubt in terms of policy in Bosnia. But I would have to say at this point I do not see much doubt to give the President the benefit of. Having sat in briefings with our senior civilian leadership, having discussed this issue with our senior military leadership, I am convinced that we do not have a coherent plan. If there is anything I know from having observed our actions in the post-World War II period, it is that when we have a plan, when we define what we want to do, when we know how we are going to do it, when we get the military to judge the achievability of our goal, when the military says that it can achieve something and we allow the generals to do it—we get the job done. That is what we did in the war in the Persian Gulf. And I think the whole world rejoiced in that success and that allied and American victory.

On the other hand, in Vietnam where we had no consistent policy, where we continually escalated without a bottom-line objective, we produced a disaster in terms of public support for our leadership at home and around the world. I want to make one simple plea to the President: Define what it is we want to do. Define it in very clear, simple terms: What are we trying to achieve? Second, how are we going to achieve it? Then let the military tell us that they can do that job and finally let us be certain we have as good a plan to get out of Bosnia as we have to get in.

I am very concerned that if we start bombing in Bosnia—and every military leader I have talked to has told me that bombing will not be decisive, in their opinion—I am concerned that with the President's declining approval ratings on domestic policy, if we start bombing and it fails, that there is going to be great pressure on the President to escalate the war and to use ground troops. What I want to see be-

fore we start any bombing is a decision in advance by the administration as to what they are going to do if the bombing does not work. Let us have a bottom line. Let us have a policy so the American people can understand it, so the military can assess it, so we can judge whether we have success or failure.

Given such a plan, I then intend to try to do everything I can to look at the plan, make a judgment on it, and if there is a clear doubt to give the benefit of the doubt to the President. But in the absence of a plan there is not going to be any doubt to give the President the benefit of. I think our European allies have made it clear they are very skeptical of the President's plan, to begin bombing without a bottom-line objective. I hope this is going to give the President some pause. I hope he is going to go back to the drawing board and sit down with the American military, the finest men and women in uniform we have ever had in the history of the country, and ask them what is feasible, what can be achieved? Then let us look at it, determine the cost in dollars and in lives, and then make a judgment.

MANDATORY SENTENCING

Mr. GRAMM. Madam President, I wanted to come over this morning because I am increasingly concerned about growing signs that there is a decline in support for mandatory minimum prison sentences in America. Not a decline in support on the part of the American people, but a decline in support on the part of this administration and a decline in support in the part of the judiciary. I read with some dismay where two New York Federal judges are now saying they are going to refuse to take drug cases because they oppose mandatory minimum sentencing. In fact, one of the judges talks about how dismayed he was at having to give a 46-month sentence in a drug case to a West African immigrant. The judge was depressed at being a party to the cruelty connected with the war on drugs.

One of the things I have tried to do—and like every other Member of the Congress weekly I get a petition or a letter from my constituents telling me that they think I ought to intervene on behalf of some poor person who is caught somewhere in the criminal justice system; that I ought to seek a pardon for them or I ought to seek some review of their case.

I have taken the uniform position that I am not in the judiciary. I do not think my temperament is such that I could ever be an effective judge. Trying to be neutral in a conflict is not part of my basic makeup. So I have decided to leave the judging to the judges and to stay out of matters once they have become part of the system of criminal justice.

Let me suggest very respectfully, and I do not want to use the names of these two Federal judges, but let me submit to them that they swore to uphold the laws of the country. We makes laws here in the Senate and the legislative branch. Their duty is to carry those laws out and to make impartial judgments. It is our responsibility to decided whether we have mandatory minimum sentencing for drug thugs—not theirs. They ought to leave up to the Congress the making of the law. We should leave it up to the judges to determine how the law is implemented and to be impartial in terms of making judgments as to whether people are guilty or innocent.

I also want to say—and I want to choose my words judiciously because it is not my objective today to get into a dispute with our new Attorney General. I want to work with her. But I am increasingly alarmed at sounds I am hearing from the administration about eliminating mandatory sentencing; a suggestion being made that perhaps we could release convicted drug criminals to make room in prison for violent felons. I believe violent criminals ought to be in prison. And I also believe that drug thugs ought to be in prison. And one of the concerns I recently raised to our new Attorney General, which I would like to raise here, again is what the administration is doing in terms of prison construction.

Many will remember the State of the Union Address where the President talked about a new crime bill and talked about putting criminals in prison and I led the standing ovation when the President made that statement. I was more than disappointed when I got back to my office and found that the President, in his budget, has proposed curbing new prison construction by $580 million below the level that was built into the budget, based on past action taken by the U.S. Congress.

So I would like to say to our Attorney General that I think the way to deal with violent criminals is to put them in prison and keep them there for a long time. I do not understand priorities that cut prison construction by $580 million, at the same time that we are talking about letting drug thugs out of jail because we do not have room in jail, at the same time that the administration continues to push a make-work jobs program that costs $16 billion. If we are against crime, if we want to get as tough as criminals as they are on law-abiding citizens, we ought to commit our resources to build prisons and put convicted criminals in them.

Final two points. I will offer later this year a predator criminal provision that will mandate life imprisonment without parole for three convictions of major drug felonies or violent crimes. There is talk in the House that they are going to move to eliminate mandatory minimum sentencing. I would like to save them the time, the effort, and the energy. We will not repeal mandatory minimum sentencing in the U.S. Senate. I intend to do everything in my power to see that does not happen. We are going to have more mandatory sentencing and not less.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I ask unanimous consent to speak as in morning business not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCRIMINATION AGAINST AMERICAN CONSTRUCTION FIRMS IN JAPAN

Mr. MURKOWSKI. Madam President, on April 30 of this year, the U.S. Trade Representative, Mickey Kantor, announced that he is acting under the terms of section 7003 of the 1988 Trade Act to identify Japan as a country which discriminates against American firms in Government procurement. Ambassador Kantor stated:

> Despite years of negotiations and two trade agreements, the Japanese construction market remains fundamentally closed to foreign firms.

When I first held hearings on the issue in 1986 as chairman of the East Asian Subcommittee of Foreign Relations, United States participation in the Japanese design, engineering, and construction market was zero. Last year, United States firms did 189 millions dollars' worth of business in Japan, a 37-percent decline from the previous year. So, clearly, we are going in the wrong direction.

By contrast, Japanese design, engineering, and construction firms operating in the United States did 1.3 billion dollars' worth of business in 1991. It is worth pointing out, Madam President, that lack of business by United States firms in Japan should not be associated with a lack of competitiveness. For example, on a worldwide basis where firms compete head to head, American firms have captured 45 percent of the international construction and design market and Japanese firms have only captured 7 percent.

The problem in Japan is continuing pervasive trade barriers against United States firms ranging from licensing problems to bid-rigging. The latter problem, called dango by the Japanese, is openly discussed in the Japanese media, particularly as it relates to political corruption.

So Ambassador Kantor is right: The Japanese market is fundamentally closed. The question is what to do about it? For 7 years we have tried pa-

tience. The Congress has held hearings and passed mandatory investigation legislation. The administration has held innumerable negotiating sessions which led to unsuccessful agreements.

The time has come for the United States to act with a firm hand. I support the actions of Ambassador Kantor and Commerce Secretary Brown to seek immediate negotiations under section 7003, and I have sent them a letter saying so. I have urged them to expand greatly the scope of the major project agreement or abandon it altogether. I see no reason for American firms to be subject to a predetermined list of projects for which they can compete in Japan; there is no such list of projects for Japanese companies competing in America.

Finally, Madam President, no discussion of this subject would be complete without a discussion of sanctions. If there is a failure of negotiations and the President so chooses, section 7003 provides a prohibition of the U.S. Government procurement. If that is not sufficient to induce an agreement, Congress should be prepared to go further. Seven years is a long wait. It is long enough.

Madam President, I ask unanimous consent that my letter of May 10, 1993, to Trade Representative Mickey Kantor and Secretary of Commerce Brown be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 10, 1993.

Hon. MICHAEL KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: In the summer of 1986 I held the first Congressional hearings on barriers to American design, engineering and construction firms in Japan. I have found this sector of the Japanese economy to be ridden with trade barriers, from licensing problems to pervasive bid-rigging. Collusive, anti-competitive activity in Japan is openly discussed by the Japanese media, in particular association with political corruption.

Therefore, I agree with your recent remarks that the Japanese construction market is "fundamentally closed" to American firms. Further, I am very pleased to see that you and Secretary Brown have decided to invoke Section 7003 of the Trade Act of 1988. Now is certainly the time for the United States to act with a firm hand.

Given the failure of seven years of negotiations with the Japanese Government on this issue, and two trade agreements, I urge you to take this window of opportunity to enhance greatly the scope of the Major Projects Agreement or scrap it entirely. There is no reason why United States firms should be subject to a re-determined list of projects for which they can compete; there is no such list for Japanese firms competing in America.

If progress cannot be made through bilateral talks, I may be prepared to bring this issue once again before the Congress. I look forward to working closely with you on this matter.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senator.

EPA AND ALASKA BEARS

Mr. MURKOWSKI. Madam President, one other item is on my mind this morning. Bear repellent is in this small container. The issue today is the Environmental Protection Agency and Alaska bears, which are coming out of hibernation.

Last week, we approved legislation elevating the EPA to Cabinet-level status. I spent a fair amount of my time speaking about some of the horror stories associated with EPA and some of the irrational regulations, mindless lack of judgment and, to some extent, its bureaucratic mentality. But today they have come up with something that we just cannot stand by and watch occur.

So what I am back with is a bear story, and I would like to share with this body some of the realities.

Up until last week, Alaska's hikers, kayakers, backpackers, especially those in the national parks where guns are discouraged, if not prohibited, could carry these sprays, to eliminate problem bears. This spray is only good for a distance of about 30 to 40 feet. When a bear is coming at you at about 40 miles an hour, you have to make some clear decisions. The sprays are made of red pepper, cayenne pepper, the type often used in the Southwest to make hot chili. But because of an irrational ruling by the EPA that red pepper spray is really a pesticide under the terms of the Federal Insecticide, Fungicide, and Rodenticide Act—a chemical that has not yet been properly licensed for bear control—all of the sprays now must be pulled from the shelves of the sporting goods stores in Alaska.

The long arm of the EPA has reached into the area of bear repellent. This leaves Alaskans somewhat in the woods because the bears are now awake and they are hungry after a winter's nap with only one choice: To carry guns and blast bullets rather than pepper at any bear that they may encounter that is looking for a tasty meal. This simply makes no sense.

First, the pepper sprays can still be used for self-defense against other humans because EPA does not regulate self-defensive sprays for humans, only sprays against animals.

Second, the EPA admits that the spray is probably safe to eat, if not smell. Alaskans or anyone else can put pepper in their chili, put it on their salad, sit around the campfires, but they just cannot use it in pressurized spray against bears until it has been tested for its effectiveness.

It seems like you can use it on a dead bear, you can use it on bear stew, but you cannot use it on a live bear if the bear is after you. Alaskans could legally carry around a pot of spicy chili and perhaps throw the pot at a charging bear, but the spray has been shown to work a whole lot better served simply straight up.

The problem the spray company is having is finding someone willing to wander around the woods unprotected and then stand in front of a charging bear to test the spray. Alaskan biologists have used it from time to time and found it effective.

State officials do not know of any biologist who would want to go out looking for wild bears and then stand in front of the charging bears coming at 40 miles an hour—or whatever they come at—just to test the effectiveness of the spray.

So we have an insane example of a perfectly understandable communication from the EPA. Officials have suggested that the bears that hibernate and as a consequence come out in the spring will, if you leave them alone, not bother you. That is fine unless the bear changes his mind.

So what we have here is an interpretation made from the EPA by some mindless edict from the safety of a Virginia office. The ruling is terrible for hiker safety. It is probably terrible for the bears because it removes the only nonlethal means of protecting oneself from bear attack.

This may seem like a funny story, but it is sad because people are killed by bears in Alaska. A vacationing woman near Lake Louise was killed. A 6-year-old child was dragged off in the brush and eaten. Others were mauled, including an Alaska outdoor writer.

So this ridiculous ban has to be repealed, and it has to be done fast before the main hunting season starts. The ban is bad for the environment, potentially deadly for the bears, and awful for the peace of mind of hikers and campers. We are requesting today that the head of the Environmental Protection Agency rescind the EPA order to withdraw the banned repellent from the market.

Finally, Madam President, a ban on red pepper bear repellents is certainly nothing to sneeze about. We hope that the EPA will quickly allow us to gain again the authority to have the spray and use it on the bears. Otherwise, Alaskan bears may be dining on more than berries and roots during the coming year.

I thank the Chair and yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE AUNT EMMA TEST

Mr. DORGAN. Madam President, I was interested in hearing my colleague, the Senator from Alaska, describe his problem with an EPA deter-

mination. I am almost tempted to describe my brush with the EPA last week, which is almost as silly, but I will not take time.

I will only say that when we went through, in the 1980's, this problem in the Pentagon of them spending $400 for a hammer, $1,100 for an Allen wrench, $300 for an ashtray, $10,000 for coffee pots, they developed in the Pentagon, I am told, an Aunt Emma test. And that is if what they built and the price of it would not meet some logical test of Aunt Emma in Dubuque, IA, they had to try to figure out how to do it differently.

It looks to me as if the EPA and other Federal agencies need an Aunt Emma test in trying to determine if what they are doing makes sense.

RECEIVING A REPORT CARD

Mr. DORGAN. Madam President, I want to speak just for a moment today about some trade issues with China. But before I do I cannot help but note some comments made earlier by a colleague on the other side of the aisle. The discussion once again today was about a jobs bill that had been defeated, a bloated jobs bill it is called by those who wanted to defeat it and did defeat it.

I received in the mail this morning a transcript from a radio program by an 11-year-old boy who is now a radio commentator once a week giving the kids' view of the news. This 11-year-old boy told the radio audience that in his school, he is graded on his report card by what he does. And he was interested to watch the news and see folks on the other side of the aisle give the President a report card and assign a grade to the President recently, and the assignment of the grade to the President was largely not a very good grade because of the failure of the jobs bill because the jobs bill was pork, as was described by those folks.

Well, it is interesting that even an 11-year-old kid can see through the thick smoke of partisan politics. A jobs bill proposed for a country in which 10 million people are out of work and 25 million people are on food stamps is inappropriate, these folks tell us. Hardly. Even an 11-year-old kid knows you do not grade somebody on what they did not do; you grade them on what they did do. And these folks blocked a jobs bill for a country that needs a jobs bill. If anybody ought to get a report card grade, it ought to be grade of failure for those who block progress in our country on an economic policy change that we so desperately need.

Another subject this morning was crime, and those same people who say we need to cut Federal spending are here saying the problem is the President cut in his budget construction for the building of new prisons. And that is awful, they say; we should not cut that kind of spending. The same people who spend all day telling us we ought to cut spending then pick out that portion and say we should not cut that. They believe we ought to throw Federal money at problems.

I agree that crime is an enormous problem in this country. This country, strangely enough, consumes 50 percent of the world's cocaine, it is the murder capital of the world, and has more people incarcerated in prisons per capita than virtually any other country in the world. We must do something about that, and do something aggressively. But it does not mean you have to build gold-plated prisons.

We have a whole lot of jail cells all around this country, in cities, counties, and States, that are unfilled, built with law-enforcement funds, in many cases, in the last two decades. We have plenty of jail cells available. We just need to be smarter about how we deal with these criminals, to put them in jail and keep them there.

Do you know how many military bases we are closing around this country these days? Why would we not want to use some closed military bases to incarcerate nonviolent criminals? Get them out of our penitentiaries and out of our prisons, put them in boot-camp institutions out there in the closed military installations, and keep them incarcerated there. Then open up those prison cells and maximum-security prisons for hard-core prisoners, for violent criminals. We need to do this smarter.

So I say to those who talk about crime today, this President wants to reinvent Government and do something smarter in addressing crime, something that is effective but does not cause the taxpayer substantial increases in costs.

SPIRALING UNITED STATES-CHINA TRADE DEFICIT

Mr. DORGAN. Now, in the 5 minutes I have remaining, Madam President, I want to talk just a bit about China. Most-favored-nation status with China will consume most of the debate. MFN they call it. Should we establish or should we continue most-favored-nation status with China, with or without conditions?

Because of China's records in human rights, many say there should be some conditions attached to it. That will consume the debate this year with respect to trade with China. But I want to call to the attention of my colleagues another issue with China. China is racking up an enormous trade surplus with this country. We, by contrast, have an enormous trade deficit with China.

The trade deficit was $3½ billion in 1988. This year it is $19 billion, a $19 billion trade deficit with China that is growing exponentially. Now, one of the things I am interested in is trade with China. We sell China a fair amount of wheat—not nearly enough but a fair amount. It is interesting that as China's trade surplus with us has been ballooning, and they have been selling more and more Chinese goods in this country, our share of the Chinese wheat market has been declining.

In other words, they are selling us more, creating a larger surplus or a bigger deficit for us, and they are purchasing less wheat from us as a percent of their wheat market.

I would like to say that as we discuss Chinese trade, MFN will be important and should be important. But another component of that debate this year ought to be to say to China if we have a trade relationship with you, it ought to be a mutually beneficial relationship in which, when we buy your goods in significant quantity, you buy our goods in significant quantity as well.

I have a couple of charts that I wanted to show my colleagues today. The first chart shows what is happening with the trade surplus China has with us, and the red line, as you can see, is moving up very rapidly. The blue line shows our percent of the Chinese wheat market, and that is going down. Why? Because even as China sells us more and more goods and has an increasing surplus with us, they are out price shopping for wheat from other countries. The Canadian market in China has ballooned. The Canadian share used to be 29 percent of the Chinese wheat purchases. In 2 years, it was 42 percent last year and 48 percent this year. But they have a near balance of trade with Canada. They have a responsibility to buy wheat from us. The interesting thing is, we are selling wheat at discounted prices, with the use of the Export Enhancement Fund. All of the wheat that goes to China is with EEP funds, driving down the price of wheat in order to compete with the Europeans.

So my point is that we have a relationship with some of these countries that we ought to explore in some detail. We ought to explore the question of why our trade surplus with China is growing, and at the same time, China, taking one part of what they buy in significant quantity from this country, is beginning to shop elsewhere for that commodity.

I know farm groups have been very nervous about this MFN debate, and they say if you impose conditions, human rights conditions on China in this trade issue, what will happen is they will buy less wheat from us. The fact is, we ought not to be nervous about all those questions. We ought to be insisting that China buy more wheat from us. There is no excuse to allow a country to create this kind of a trade surplus and then price shop for damaged grain at bargain basement prices from other countries to buy their wheat.

So I have met with the Chinese Ambassador, who is a very nice fellow. We had a good discussion last week about this. I am going to be meeting with some Chinese wheat buyers, who are coming over in the next week, and I am going to be raising this question with my colleagues in the Senate.

We have a responsibility, it seems to me, to be talking to our trading partners, to establish a basis of trade that is fair. And one of the bases for comparison of whether trade is fair, it seems to me, is what kind of a responsibility do we have to each other? Are we merely a sponge? Is our market simply a sponge for everything somebody wants to send to us, but when it comes time for them to buy, they want to go price shopping elsewhere? It is not the way trade works, as far as I am concerned; there are mutually connected responsibilities in trading relationships.

I believe very strongly that we ought to debate this issue of trade with China and wheat to China in the context of a discussion of trade with China and with MFN this year. I hope very much that other colleagues who are interested in this subject will join with me to raise public questions—and tough questions—for the Chinese about how they are going to ratchet down this trade surplus with us, and why they do not have a responsibility to buy more and more American wheat, not less and less, at a time when we have this difficult trade surplus.

I yield the floor, Madam President.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, May 7, the Federal debt stood at $4,240,467,481,424.38, meaning that on a per capita basis, every man, woman, and child in America owes $16,508.93 as his or her share of that debt.

NOTABLE QUOTABLES

Mr. HELMS. Mr. President, a great many Americans resent the blatant bias of the major news media of America, and with some frequency they send letters of protest to newspapers, magazines, and television networks—none of which are in the least worried about such criticism.

The truth is, as someone has said, it is almost impossible to argue with publications that buy their newsprint by the ton and their printing ink by the barrel. As for the broadcast charlatans, they're too busy getting their makeup on and their hair combed to pay any attention to the people they are misleading and deceiving.

However, Mr. President, a round of applause is due Media Research Center of Alexandria, VA, for keeping tabs on specific acts of irresponsibility by people in the news media. Every other week, Media Research publishes what it correctly describes as "A biweekly compilation of the latest outrageous, sometimes humorous, quotes in the liberal media."

Mr. President, I have received permission from those who produce the sharp biweekly needles that puncture the hides of arrogant and egomaniacal editors, columnists, and commentators who have no interest in reporting the news—who seek only to sell their leftwing philosophy under the pretext that they are somehow involved in reporting the news.

L. Brent Bozell III, is publisher of Notable Quotables. Brent H. Baker and Tim Graham are editors. Media analysts are Andrew Gabron, Kristin Johnson, Steve Kaminski, and Bill Thompson. Kathleen Ruff is circulation manager and David Muska is an intern.

Today I begin what I intend to be the regular inclusion in the CONGRESSIONAL RECORD of the biweekly text of Notable Quotables. Senators and others who peruse the RECORD may be interested in reading these quotes.

Therefore, I ask unanimous consent that the aforementioned edition of Notable Quotables for May 10, 1993, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NBC'S ANITA HILL DOUBLE STANDARD

"Were any of Clarence Thomas' real qualifications ever examined? Did the White House package him and sell him to the public? In your book, you say that the White House organized women's groups to support Thomas and that that was somehow manufactured. Can you tell us about that?"—Questions from then-Sunday Today co-host Mary Alice Williams to liberal Newsday reporter Timothy Phelps on his pro-Anita Hill book Capitol Games, July 5, 1992.

"You do, though, Mr. Brock, have some innate biases, don't you? I mean, The American Spectator is an ultraconservative magazine. And it seems as if you are an advocate for Justice Thomas in the book. Is it really fair to call yourself an objective journalist?—Today co-host Katie Couric to American Spectator contributor David Brock on his book the Real Anita Hill, May 3.

"Ever since the Civil War, Americans have been reading a magazine called The Nation. It's always been a platform for speakers who have been ahead of their time. This morning, we'll look at a new book that reminds us how important that platform has been."—Then-reporter Katie Couric celebrating the far-left Nation magazine's anniversary, October 22, 1990 Today.

OVERENTHUSED ABOUT GAY MARCH ATTENDANCE

"The largest demonstration in U.S. history is gathering now on the grounds that stretch between the Washington Monument and the Lincoln Memorial. Gay and lesbian Americans from around the nation have joined hands around the Capitol and laid down a memorial to the victims of AIDS. They're here to step out of the closet and onto the main stage of American history, today, Sunday, April 25th, 1993."—Today co-host Scott Simon before any count of march attendance had been taken. (The U.S. Park Police estimated 300,000, half the official estimate of the 1969 Vietnam War moratorium.)

"Life and Death puppets danced in the streets as an estimated one million lesbians, gays, and supporters demonstrated about life and death issues. But for the most part, this was a love-in that drew more than a million gay and lesbian peoples and gave many of them chills of joy.—WCAU-TV (Philadelphia) reporter Dennis Woltering on the CBS overnight news show Up To the Minute, April 26.

STRAIT'S DYNAMIC DEMOCRATS: CALIFANO, ROBERTS, SHALALA AND HILLARY

"She restores a tradition of excellence at the Department of Health and Human Services. That agency has been headed by some of America's truly great human beings: Joe Califano, Pat Harris, and now Donna Shalala. She is an academic who is connected with the real needs of people. When it comes to being an effective advocate for those who have no voice, she has few equals, perhaps only one—the other half of the dynamic duo here in Washington, that is the duo of Donna Shalala and Hillary Rodham Clinton."—ABC health reporter George Strait introducing Shalala to the National Minority AIDS Council on C-SPAN, Apr. 22.

CLINTON'S DEFICIT-CUTTING COURAGE

"Yesterday you came and said 'Let's give the President an E for effort.' Shouldn't he get a better grade for at least passing a budget that takes the deficit seriously for the first time?"—CBS This Morning co-host Harry Smith to Sen. Bob Dole, April 30.

"Great salesman that he is, Clinton can be viewed as a victim of his own success. His insistence on deficit reduction—and his cajoling of Congress to support a multi-year plan to accomplish it—is the very definition of courage in modern American politics.—Time Chief Political Correspondent Michael Kramer, May 3.

GODLIKE GORBACHEV

"What do you do for an encore after ending the Cold War and reversing the arms race? That's the latest assignment for Mikhail Gorbachev, having assumed the presidency of the International Green Cross, a new environmental organization."—Time's "The Week" section, May 3.

REAGAN APOLOGISTS MUCH LIKE MARXISTS

"We suffer, Hughes claims, from a 'hollowness of the cultural core, a retreat from public responsibility,' and he is right; the alchemists of Commentary, refining their elaborate and obsequious apologias for Reaganism, are at least as culpable as the chic Marxists of the Modern Language Association, dancing their politically correct minuets—and probably a lot more dangerous."—Washington Post book critic Jonathan Yardley on Time art critic Robert Hughes' book Culture of Complaint, April 4 "Book World" section.

"For members of Ronald Reagan's Administration, the metamorphosis has been traumatic. Just a few years ago, they commanded Washington. They were privy and powerful, setting the country's intellectual and moral compass. Their mission was called noble. But after they left, their crusade was rejected, their ideology repudiated much as the Russians have repudiated communism. They were accused of making greed into the country's unofficial religion. Their fall was far and fast and the crash was painful."—Opening of New York Times reporter Lindsey Gruson's story on conference of former Reagan officials, April 25.

PROGRESS: WOMEN IN INSANE COMBAT

"Les Aspin said last week that he means to clear the way for women in the armed forces to fight in combat. That is a milepost, of course, and an advance of considerable importance to women. The least sane enterprise upon which human beings ever embark will thus be made non-sexist. Women have always suffered the madness and horror of war. Now at least they will do so with a gun in their hands. It's a milepost and a great leap forward, to be sure."—CBS Sunday Morning host Charles Kuralt, May 2.

LITTLE COVERAGE OF REAGAN-BUSH SCANDAL?

"Reporters need far more education, especially on budgeting and finance. This weakness follows a campaign in which there was little coverage of the scandals of the Reagan-Bush administration—or, if there was a mention, there was included a denial or a disclaimer. Often editors hid behind that old phrase 'there is no proof' when there was plenty of fire and smoke."—White House reporter Sarah McClendon in Editor & Publisher, April 3 issue.

FAST-FOOD-QUALITY FREE MARKET ADVICE

"Some of the same economists whose belief in an undiluted free market seem to run to permitting many Americans to free fall into unemployment came to Moscow to tell President Yeltsin only shock therapy could snap Russia into prosperity. There's nothing wrong with having a McDonald's just off Red Square, (that McDonald's, incidentally, is Canadian), but for some Russians and Americans, it's beginning to characterize the quality of the over-the-counter economic advice we've been giving them—fast-fix assembly-line fast food that still leaves the store shelves empty.

"* * * The opportunities for Americans in Russia should be something more than just the last vast market for our most precious products or political theories. Helping Russia to be free ought to mean helping the Russians to be free to find another way."—Weekend Today co-host Scott Simon, April 3.

SWINGING AT REAGANOMICS

"(Barry) Bonds earning about $40,000 a game? How can the Giants afford that. This kind of baseball economics makes as much sense as Ronald Reagan's promise to balance the budget by cutting taxes and increasing defense spending."—Time contributor and Esquire Washington bureau chief Walter Shapiro, April 12 Time.

WASTE AT INTERNATIONAL BANKS

Mr. HELMS. Mr. President, prior to the April 30 arrival in Washington of officials from multilateral financial institutions for the Interim World Bank and IMF Board of Governors meeting, there were amazing reports from London to Sacramento that these banks, funded with billions of taxpayers' dollars, are mismanaged by overpaid bureaucrats who are apparently accountable to no one.

Some of us in the Senate have been pleading for years that this irresponsibility be ended. The European Bank for Reconstruction and Development [EBRD] has taken the brunt of the criticism—as well it should—for its extravagant waste of the taxpayers' money. Under the direction of President Jacques Attali, former adviser to the Socialist French President, Mitterrand, the EBRD has spent more than $300 million to build its lavish headquarters in London and for salaries and expenses. And, please note, Mr. President, that this wanton $300 million waste occurred over a period of just 21 months.

Laws passed by Congress to curb such abuses obviously have little effect on bank officials. In October 1990, for example, I offered an amendment to the Foreign Operations Appropriations Act, which was incorporated into section 562 of Public Law 101-513, requiring the United States to push for an end of the use of first class air travel by IMF and multilateral bank officials when their travel is paid for by the bank. But, EBRD President Attali thumbed his nose at the Congress of the United States. Last year, Attali spent about $1 million to rent private jets for his official travel, a practice absolutely contrary to the spirit of U.S. law.

So, Mr. President, I wrote to Treasury Secretary Bentsen on April 29, requesting information regarding compliance with section 562 of Public Law 101-513. I ask unanimous consent that the text of my letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, April 29, 1993.

Hon. LLOYD BENTSEN,
Secretary of the Treasury, Washington, DC.

DEAR LLOYD: In October 1990 I offered an amendment to the Foreign Operations bill which was incorporated into Section 562 of P.L. 101-513. The amendment required multilateral banks and the International Monetary Fund to prohibit their personnel, and personnel of their affiliates, from using first class air travel for business. If such procedures were not adopted, the provision required the Executive Directors of these institutions to report that failure to the Secretary of the Treasury and to Congress.

Since I have never received a report, I assume that the restrictions have been adopted. I am deeply disturbed, however, at recent reports about unjustified salary increases at the World Bank and extravagant overspending at the European Bank for Reconstruction and Development (E.B.R.D.). Why, for example, did the President of E.B.R.D., Jacques Attali, spend approximately a million dollars in one year to rent private airplanes for business travel? Such spending is clearly contrary to the spirit, if not the letter, of my amendment.

The above concerns have been widely publicized. Please, Lloyd, provide me with full information concerning the multilateral banks' and the International Monetary Fund's compliance with Section 562 of P.L. 101-513.

Many thanks, my friend.

Best regards.

Sincerely,

JESSE HELMS.

Mr. HELMS. Mr. President, the mission of the European Bank for Reconstruction and Development [EBRD] is to help restore the economies of Eastern Europe and the former Soviet Union following the ravages of communism. But, get this Mr. President, during the period that EBRD was spending $300 million on itself, EBRD was making loans totaling only $150 million. In short, EBRD's funding decisions are a disgrace.

While officials at the EBRD ran for cover, the Financial Times reported that directors of the World Bank and International Monetary Fund voted themselves a 6-percent salary increase.

The World Bank budgeted more than $800 million for salaries and expenses for this year alone. The major contributors to these institutions are governments which are deeply in debt and cannot afford salary increases for their own employees.

These arrogant, wasteful, self-centered bank officials are supposed to be public servants. They would be considered wealthy in every industrialized country of the world. The annual salaries of the presidents of the World Bank and the IMF are $285,000; the annual salary of the president of the European Bank for Reconstruction and Development is $255,000. All of these salaries are greater than the salary of the President of the United States.

Meanwhile, according to the World Bank's own internal audit, unsuccessful projects have increased from 15 percent in 1981 to 37.5 percent in 1992. The World Bank's management of its taxpayer-funded projects is abysmal.

Mr. President, I ask unanimous consent that a table from the April 24 edition of the Economist contrasting the salaries of the Presidents of the World Bank, IMF, and the EBRD and their employees, with those working for several international organizations, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. In my judgment, international bank officials forgot long ago their responsibility to the people who pay their bills. The U.S. taxpayers have funded the World Bank Group, which includes the International Bank for Reconstruction and Development [IBRD], International Development Association [IDA], the International Finance Corporation [IFC], and the Multilateral Investment Guarantee Agency [MIGA] to the tune of 38.780 billion 1993 constant dollars since 1945. The U.S. taxpayers have forked over almost $200 million to the EBRD for the 2 years it has operated.

These are just a few of the multilateral banks the U.S. funds. Despite the fact that President Clinton promised to cut foreign aid by $2 billion his first year, his fiscal year 1994 International Affairs budget proposes to spend more money, including $1.85 billion for these bloated banks.

Mr. President, in addition to wasting the taxpayers' money, international banks consistently harm U.S. interests by assisting governments not eligible to receive bilateral funding from the U.S. Government. For example, Communist dictatorships and governments which support terrorism or narcotics trafficking are—for good reason—ineligible for direct U.S. aid.

Yet, in 1992 alone, the World Bank Group made $2.526 billion in loans to Communist China. These loans go to fund such projects as the Three Gorges Dam on the Yangtze River. Western authorities believe this $30 billion dam will be an environmental disaster. Furthermore, the Red Chinese will forcibly uproot at least 1.2 million people from their homes. I hate to imagine the human misery that will result from this forced displacement. Also in 1992, the World Bank Group made $134 million in loans to Iran; the World Bank approved an additional $463 million in loans to Iran in March 1993.

As President Clinton's fiscal year 1994 International Affairs budget moves through the House and Senate, Congress should consider carefully legislation which makes multilateral bank officials accountable to the people who pay their bills. Congress prohibits pariah states from receiving U.S. foreign aid; therefore Congress should require multilateral banks, funded by U.S. taxpayers,

EXHIBIT 1

to stop making loans to these governments. And if the banks won't stop funding these despicable regimes, Congress ought to stop funding the banks.

Finally, Mr. President, the people of North Carolina do not understand why the Federal Government continues to send their tax dollars to the World Bank and other similar institutions in the face of a crushing Federal debt here at home. I agree with them. Before Congress approves another dime for multilateral banks, or any other foreign aid program, I suggest President Clinton heed the will of the American people and cut spending first.

THE PAY AND PERKS GUIDE: THE LAVISH . . . AND THE STINGY

[Total running costs per employee, in dollars]

	Employees	Chief's salary	Economist's salary [1]	At current exchange rates	Converted at PPP [2]	Class of air travel	Annual leave days	Office opulence (Straw-poll: 6=most lavish)
World Bank	6,000	[3] 285,000	80,000	207,000	207,000	Business<12 hrs, first class>12 hrs	26	4
IMF	2,200	[3] 285,000	85,000	165,000	165,000	First class	26	5
EBRD	600	255,000	70,000	238,000	237,000	Economy within W. Europe, business outside	25	6
UN	10,000	170,000	70,000	120,000	120,000	Economy	30	1
OECD	1,900	202,000	100,000	153,000	126,000	Economy<9 hrs, business>9 hrs	30	2
GATT	400	NA	80,000	147,000	96,000	Economy within Europe, business outside	30	3

[1] Mid-30s with ten years' experience, including expatriate and family allowances.
[2] Purchasing-power parity (OECD estimates); EBRD adjusted for sterling/dollar PPP.
[3] Including special allowance of $95,000.

OUR POLICY IN BOSNIA

Mr. PELL. Mr. President, last week I participated in a Senate delegation led by Senators NUNN and LUGAR, that traveled to Croatia, Macedonia, and Moscow. I returned from that visit convinced that we need to ask and answer some very hard questions before we consider using United States military force in Bosnia.

Everyone agrees that hideous mayhem is occurring in Bosnia today. The Balkans have traditionally been a bloody battleground, where old hatreds die hard. The fighters are fierce and the terrain is formidable. During World War II, 26 German divisions were unable to keep peace in Yugoslavia. Serb and Croat forces, the successors to the Chetniks and Ustashi of the Second World War, are brutally killing each other once again. In the 1990's version of the Balkan conflict, Bosnia's Moslems are the primary and innocent victims of both Serbian and Croatian brutality. Today's news reports that Croatian forces are rounding up the Moslems in Mostar and that Serbian leaders are terrorizing the non-Serbs in Banja Luka bear this out.

Terrible human rights abuses—torture, rape, and slaughter—run rampant in Bosnia. But as horrible as the situation is in Bosnia, other parts of the world—Kashmir, Cambodia, Nagorno-Karabagh, Sudan, and Liberia—are also experiencing reckless violence and grave abuses that breed instability. The questions that keep occurring to me, as they do to many Americans are: "Why should we intervene in Bosnia?" "Why is Bosnia different from the other places of conflict in the world?" "What are American interests in Bosnia?" It is a daunting, but necessary challenge to the President to answer these questions for the American people and to give a clear-cut explanation of why we should be involved.

If Bosnia were part of our continent, the answers would be easier. When a disgraceful situation like the one that is occurring in Bosnia takes place in our hemisphere, we have a responsibility to lead the fight to end the slaughter and restore stability. It would be clearly in our interest to do so. But, when the situation occurs on another continent, the United States may lead and organize the battle against it, but we do not have the responsibility to provide a lion's share of the military manpower to fight it. This argument is especially compelling when the tragedy is occurring in a continent like Europe, with its own well-established democracies, and its well-organized and well-equipped armies. We may be the leader of the free world, but we are not the free world's army.

Nevertheless, I see the building pressure, domestic and foreign, on our President to do something about the ongoing slaughter. The pressure is mounting for the United States not only to lead an international effort to stop the killing, but to send in U.S. troops to do the job. I hope that we will be able to resist to the maximum extent possible the use of our ground troops to intervene in Bosnia. While there seems to be increasing movement toward U.S. intervention, I believe that we should hold back. I would, however, be willing to see some of our troops used for peacekeeping, that is, helping enforce an arrangement that has already been reached at the negotiating table.

Before there is any use of force—either for peacemaking or peacekeeping—I believe that three steps must be taken. The President has a head start on two of them, because he has done a marvelous job of consulting with our allies and with Congress on this issue. First, the President should ensure that we secure the proper U.N. authority. Second, the President should ensure that the U.S. Congress authorizes U.S. participation in a Bosnia effort. Third, and perhaps the most difficult, but most important step, the President needs to explain to the American people why we should be involved. Without these three steps, any effort is doomed to failure.

W.W. WANNAMAKER, JR.

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of my State's foremost engineers and a great man, Mr. W.W. Wannamaker, Jr., who recently passed away at 92 years of age.

Mr. Wannamaker was born and raised in Orangeburg, SC, and earned engineering degrees from both The Citadel and Cornell University. He began his professional career with the South Carolina Department of Highways and Public Transportation, working in

bridge construction. Searching for greener pasture, Mr. Wannamaker cofounded his own bridge construction firm, Wannamaker & Wells.

Graduates of The Citadel seem to feel a tremendous sense of loyalty to that institution and Mr. Wannamaker was no different. He served that college as a member of the board of visitors and as president of The Citadel Alumni Association. He also established the Star of the West scholarship, which awards full scholarships to cadets.

In addition to serving his school and State, Mr. Wannamaker served our Nation as a naval officer. He was also a national Republican committeeman for South Carolina.

Mr. President, W.W. Wannamaker, Jr., was a man who made many important contributions to his State and Nation. We are all grateful for his many accomplishments and he will be missed.

GROVER GORDON McLAURIN

Mr. THURMOND. Mr. President, I rise today to pay tribute to a great man and South Carolina's oldest living attorney, Mr. Grover Gordon McLaurin, who recently passed away at 106 years of age.

Though born in Kissimmee, FL, Mr. McLaurin spent the majority of his life in Dillon, SC, where he practiced law after graduating from the University of South Carolina in 1909. Mr. McLaurin was a accomplished trial lawyer who successfully defended the first capital case in Dillon County history. When Mr. McLaurin could not longer appear in court, he continued his law practice in his office, swearing never to give up the profession he loved.

A public spirited man, Mr. McLaurin took an active part in the affairs of his community, serving as mayor and county superintendent of education. His lifelong commitment to community service was recognized on his 100th birthday when the Governor presented him with the Order of the Palmetto, South Carolina's highest award.

A witness to tremendous change, Mr. McLaurin was never fazed by social or technological advances. He once said "the world changes every day. About the only thing you can do is adjust." This attitude helped to ensure that he enjoyed a long, happy, and prosperous life.

Mr. President, Gordon McLaurin was a man who accomplished many great things during his life and had a tremendous impact on the people who knew him. We will all miss this amazing man.

JUNE RAINSFORD HENDERSON

Mr. THURMOND. Mr. President, I rise today to pay tribute to a wonderful lady and dear friend who recently passed away, June Rainsford Henderson.

Born 97 years ago in Edgefield County, June Henderson led a full and rewarding life. Possessing both bachelors and masters degrees from the University of North Carolina's prestigious Library Science School, Mrs. Henderson worked at Hollins College in Virginia, Augusta College in Georgia, and the Library of Congress in Washington, DC. It was during her time working in our Nation's Capital that Mrs. Henderson discovered her love for 18th-century gardens and old prints of anything related to plants. Her passion not only led her to publish a book on this topic entitled "Floralia," but also to begin writing on this subject for publications including the New York Times.

A loving woman, Mrs. Henderson was twice married. Her first husband was George P. Butler, whom she met while both were working at Augusta College. They were married until 1933 when Mr. Butler passed away. After returning to Aiken in the 1940's, Mrs. Henderson met her second husband, prominent local attorney P. Finley Henderson, to whom she was completely devoted.

Mrs. Henderson was a woman who loved history and she wrote a history of the Edgefield Presbyterian Church. In recognition of her interest in this area, her family established the June Rainsford Henderson Chair of Southern and Local History at the University of South Carolina at Aiken. She was also instrumental in restoring the rectory of Trinity Episcopal Church.

Mr. President, June Henderson was a lady in every sense of the word. She was kind, considerate, caring, and devoted. She was a bright woman who constantly sought to expand her knowledge and share her findings with others. We will certainly miss this very special woman, and her family has my deepest sympathies on their loss.

THE LATE C.S. DAVIS

Mr. THURMOND. Mr. President, I rise today to pay tribute to a good friend of mine and one of our State's most accomplished educators, Dr. Charles S. Davis, who recently passed away at the age of 82.

Born in Mobile, AL, in 1911, Charles Davis was a man who loved knowledge and devoted his life to the pursuit and administration of education. He earned bachelor's and master's degrees from Auburn University, a master's degree from the University of California; and a Ph.D. from Duke University, and chose a career in academia. Dr. Davis taught at some of our Nation's finest schools, including Auburn, Duke, and Florida State, where he ascended from the position of associate professor to the dean of the faculties.

Dr. Davis' performance at Florida State led him to Winthrop University, where he assumed the presidency in 1959 and served in that office until 1973. Under his leadership, Winthrop underwent many important changes, including the integration of the school and the admittance of men to what had been an all female institution. Also during Dr. Davis' tenure, the enrollment of the college doubled, honors and foreign exchange programs were established, and the school's buildings were updated. Dr. Davis' guidance of Winthrop at a critical time in its history helped to insure that it not only survived, but became one of our State's finest colleges.

Dr. Davis was also an active participant in both the academic and Rock Hill communities. He was a member of a number of scholastic and civic organizations including the Commission on Colleges and Universities; the Southern Association of Colleges and Schools; the Southern Historical Association; Rock Hill Executives Club; the Rock Hill Rotary Club; and, the Rock Hill Chamber of Commerce. Dr. Davis also served in the military, retiring from the Air Force Reserve as a colonel. His service to the military was no less enthusiastic or dedicated, and he was awarded the Bronze Star and the Air Commendation Medal.

Mr. President, Dr. Davis was a unique individual, a patriotic man who possessed important qualities of integrity, ability, and compassion. We will all miss Dr. Davis, but are grateful for the many significant contributions he made in the State of South Carolina. Our hearts go out to his lovely wife and fine family.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL VOTER REGISTRATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 2, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany H.R. 2, an act to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 is equally divided.

Mr. FORD. Madam President, I suggest the absence of a quorum and ask that it be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

Mr. FORD. Mr. President, I now ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:14 p.m., recessed until 2:16 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. AKAKA].

NATIONAL VOTER REGISTRATION ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. WELLSTONE addressed the Chair.

Mr. FORD. Mr. President, I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. WELLSTONE. Mr. President, I know the Senator from New York wants to speak, and I promise him I will not go beyond the 10 minutes.

I would like to compliment the whip, Senator FORD from Kentucky. I guess we will know very soon whether we will finally be able to invoke cloture. There have been, I think, seven filibuster votes on this piece of legislation. I am very hopeful that the National Voter Registration Act will soon become the law of the land.

Mr. President, I know it has not been the case that every single Representative and Senator has focused on this debate. Senators and Representatives have a lot of other things they are doing in committees. For that matter, the country itself has not been focused on this debate. I really hope that we are about to invoke cloture and then pass this piece of legislation.

In my time in the U.S. Senate I think this is probably one of the most important pieces of legislation that I have had the honor to vote on.

Mr. President, this bill that the whip has worked so hard on, I think this is a piece of legislation that is going to make this a much better country. I think this is a piece of legislation that is going to enable many more citizens to register to vote. I think this is a piece of legislation that is going to expand democracy in the United States of America. And I think the Senator from Kentucky is going to be remembered for a lot of things, but I guarantee you, if we are able to invoke cloture and we pass this legislation, he is going to be remembered for this piece of legislation.

We have had a history in our country of trying to expand democracy. It has not been a smooth journey. Up to the passage of this legislation—and I believe that is where we are heading—in all too many States, in all too many places it has been very difficult for some people to register to vote. As a result of that, among the democracies in the world, the United States ranks right near the bottom. That is not something that any American is proud of.

I think if you were to ask people in Minnesota cafes or Kentucky cafes what they think about the idea of motor-voter where citizens can come in and, with a driver's license, also fill out a form and register to vote; or what do they think about a welfare agency or other public agency having voter registration cards available and in a scrupulously nonpartisan way presenting those cards to people and enabling people to fill those cards out and register; or what do they think about people now in every State having the opportunity to register by postcard so they do not have to figure out where to drive to, where to register, what do they think about, finally putting an end to some of those obstacles, I will tell you something, the vast, vast, vast majority of people in the United States of America will say that is all for the good.

Mr. President, I think there is a very interesting dynamic in the United States of America today, a political dynamic. It is in part, I suppose, the politics of indignation. People really want this to be an open process. They want us to be accountable. They do not want to be cut out of the loop. They want to participate.

When we have town meetings in Minnesota, it is unbelievable the number of people who show up. I think this piece of legislation fits right in with what people in the country are calling for. We are going to enable people to exercise their political rights in behalf of their economic rights. We are going to enable people in every State all across the United States of America to have every opportunity to register and then to vote, to register and to vote for the issues they care about, for the kind of community they believe in, to register and vote for their children.

Mr. President, I think that is what this is about. So by way of conclusion, we are going to have this vote. It is coming up very soon. There has been quite a bit of obstructionism on this. There have been many, many cloture votes. It has taken us a longer time than it should, but I think we are now finally at the point where we are going to have a very historic vote on cloture. I certainly hope so.

And when this legislation is passed, I believe that the Senator from Kentucky especially needs to be singled out as the Senator who made it all happen—not just for Kentucky, not just for Minnesota, not just for Hawaii, but for people all across this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota yields the floor.

The Senate is now considering the conference report accompanying H.R. 2. Time is equally divided until 3 p.m.

The Senator from Kentucky.

Mr. FORD. Mr. President, I do not see anyone here. Is the Senator the designee?

Mr. D'AMATO. Yes. Mr. President, if I might.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Senator MCCONNELL is on his way over.

Mr. FORD. And the Senator is his designee?

Mr. D'AMATO. Yes. Mr. President, I yield myself up to 5 minutes. I ask that it appear as if in morning business. I do not intend to take 5 minutes. It will be charged against the time, our time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York is recognized.

THE INTERSECTION OF U.S. 76 AND S.C. 121

Mr. D'AMATO. Mr. President, I am going to bring to your attention and the attention of other Members of the Senate without any comment or explanation a picture which appeared in the Greensboro Gazette of South Carolina. The picture is of a sign which is located at the intersection of U.S. 76 and S.C. 121 in Newberry, SC.

As I say, this is an actual picture. I make no comment, other than to say it really does exist. The sign is at the intersection of U.S. 76 and S.C. 121 in Newberry, SC.

Mr. President, I yield the floor so that we can continue to proceed on this matter.

The PRESIDING OFFICER. The Senator from New York yields the floor.

Mr. FORD. Mr. President, I do not know any relevance to the bill and the visual aid, but be that as it may, the distinguished Senator from Montana asked for some time on a subject not on the legislative agenda.

Mr. President, if we can look at this with the Senator from New York, I can yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. BAUCUS. Mr. President, I thank the Chair and I thank the distinguished manager of the bill.

NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I should like to speak about the negotiations now under way on the North American Free-Trade Agreement, or NAFTA.

In recent days, critics of the Clinton administration have suggested that the

negotiation of strong environmental and labor side agreements to the North American Free-Trade Agreement would create a disaster.

These critics argue that linking environment and labor goals to a free-trade agreement is inappropriate.

They argue that trade sanctions should not be used to enforce environmental and labor laws. They argue that trinational commissions should not be able to collect information to determine whether a government is complying with its own laws.

These detractors are trying to convince our trade negotiators, who are attempting to negotiate such side agreements with Mexico and Canada, to weaken their position. And they are attempting this at a key time—just as our negotiators prepare for another round of talks in Ottawa later this week.

Mr. President, I have to wonder what these critics are thinking. It almost seems as if they fear the prospect of clean air and water in Mexico and the United States-Mexico border region. Or that they fear the prospect of enforced minimum wage laws, child labor laws, and occupational health and safety laws in Mexico.

Certainly, I hope they do not support the prospect of U.S. companies moving south to take advantage of lax environmental and labor law enforcement.

I would like to respond to their arguments. But first a question. Why is it inappropriate in our first trade negotiation with a developing country to link environmental and worker rights goals to the agreement?

After all, without proper environmental protection, free trade has the potential to cause more pollution. And free trade also has the potential to create jobs—jobs for workers who deserve safe working conditions. And, sadly, a country that fails to enforce its environment and worker rights laws may attract more foreign investment. This gives it a trade advantage over other countries.

In each of these cases, we must go the extra mile to make sure that free trade gets us the results we want.

In the environmental area, I think that a new proposal, developed jointly by seven important U.S. environmental groups, would do just that. This proposal would create a strong, independent North American Commission on the Environment [NACE] with investigatory powers, and use trade sanctions as enforcement.

I think the proposal has some application to worker rights as well. I urge the Clinton administration to adopt it as their position in the continuing negotiations.

The fact is, Mexico has good environmental and worker rights laws, but it does not enforce them. Attaching a stick to the NAFTA carrot is the best chance we have to help Mexico improve its situation in both areas while growing its economy. And, needless to say, it is also a chance to better the lives of millions of people living along the United States-Mexico border.

I refer to the side agreements as a stick because if they are to work, they have to be enforced. Otherwise, they are no more effective than Mexico's laws are now.

And, since lack of enforcement of such laws has a direct effect on trade, trade sanctions are an appropriate stick. I, for one, hope they never become necessary. But we need them, just in case. And without them, these side agreements will not be worth the paper on which they are written. I personally could not vote for a NAFTA that did not have strong side agreements.

Let me also respond to the argument that environment and labor commissions should not have some independent way of collecting information about a government's compliance with its own laws.

The fact is, these commissions need a way to collect information if a foreign government refuses to provide it. Otherwise, the commissions cannot do their job. This is no different from allowing Russians to inspect U.S. missile sites to see if we are complying with our arms control treaties.

Which brings me to another point. Some critics worry about these commissions being able to bring cases against the United States. They believe we are opening a Pandora's box by allowing Mexico and Canada to file cases against us.

The fact is, we should be complying with our own laws. Plain and simple. We should not hold Mexico to a different standard.

As Ambassador Mickey Kantor says, what's sauce for the goose is sauce for the gander. And that is how it should be. But, of course, measures should and will be taken to prevent harassment claims.

And one other thing. Critics say the linkage of environment and labor to trade policy sets a precedent. And they are right. But I would say it is a good precedent.

In particular, I think linking trade and the environment is crucial to the future health of our planet. That is one reason why I would like to urge Ambassador Kantor to create an Assistant U.S. Trade Representative for the environment. I think it is time that USTR had a full-time assistant USTR devoted to furthering sustainable development policies and to opening foreign markets to U.S. environmental technology exports. I think that is very important.

In closing, Mr. President, I do not think it would be a bad thing if Mexico, the United States, and Canada agreed between themselves to enforce their own environment and worker rights laws as they eliminate tariffs and other trade barriers.

In fact, if the prospect of a cleaner environment and safer workplaces across North America, coupled with greater economic prosperity for the entire region, is a disaster, that is a disaster I could live with.

Mr. President, I ask unanimous consent to print in the RECORD an article by Don Newquist, along with a letter written to Ambassador Kantor by a coalition of environmental groups.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 10, 1993]

PEROT IS DEAD WRONG ON NAFTA

(By Don E. Newquist)

WASHINGTON.—Ross Perot, that master of the sound bite, coined a classic during his on-again, off-again Presidential campaign: the "giant sucking sound" he claims we will hear as jobs move from the United States to Mexico under the North American Free Trade Agreement.

These days, the only sound I hear, though, is Mr. Perot's misinformed, misleading and often simply untrue Nafta-bashing. He is dead wrong.

If Congress passes the legislation to carry Nafta out, it will create jobs, in the U.S. as well as in Mexico.

The U.S. International Trade Commission's most recent study of the effects of Nafta (the eighth in six years) was delivered to Congress in February. Although certain U.S. industries may suffer limited losses of jobs, it found, the overall U.S. economy will enjoy more jobs, increased exports and higher wages with the agreement than without it.

Virtually every other reputable study (there have been dozens) reaches the same conclusions. Speaking for myself and not for the commission, I must say I find that accumulated evidence persuasive.

Only recently has Mr. Perot cited empirical research to back up his claim. It is a recent study by Pat Choate, a political economist in Washington. The study says that Nafta will put more than 5.9 million U.S. jobs in jeopardy of being moved to Mexico. Mr. Choate arrived at this figure by adding up all the jobs in U.S. industries where labor costs account for at least 20 percent of total expenses and the average wage exceeds $7 an hour.

All these jobs, he suggests, are so costly that the temptation will be overwhelming to move them to low-wage Mexico. But there is nothing preventing those jobs from being moved there right now, with or without Nafta. Why are they still here?

In fact, if companies based their plant locations only on labor costs, there would be few factories left in the U.S., or in Europe and Japan. But firms look at many factors, including a plant's productivity, transportation costs, the availability of raw materials and proximity to markets. In all these considerations, the U.S. is a world leader and that is why thousands of U.S. companies still employ millions of workers in this country even though they could pick up tomorrow and move anywhere.

Some companies—one is Quality Coils of Stonington, Conn.—have moved plants back to the U.S. from Mexico after finding that lower Mexican labor costs did not offset the higher productivity of U.S. workers.

But as persuasive as all the economic studies are, all we really have to do is take Mr. Perot's own advice and "lift the hood and

look underneath" to disprove the Choate thesis. In 1986, when Mexico joined the General Agreement on Tariffs and Trade, it reduced its once high tariffs to no more than 50 percent of the value of imported goods. President Carlos Salinas de Gortari continued to reduce tariff rates until they now average only 10 to 13 percent for manufactured goods from the U.S.

The result has been an expansion of U.S. exports to Mexico, which reversed what was a $5.6 billion U.S. merchandise trade deficit in 1987 to a $5 billion U.S. trade surplus in 1992. Those exports helped to create hundreds of thousands of new jobs here.

One would think that Ross Perot would have a better understanding of the economics of trade. In fact, he may. Even as he urges Congress to kill Nafta, his family stands to reap the benefits of increased trade through the Perot-developed Alliance Airport complex north of Dallas, which is being promoted as a trade hub between the U.S. and Mexico.

Nafta could end up proving Mr. Perot wrong in a way he won't be able to rebut: It could give him hundreds of new American employees.

MAY 4, 1993.

Re NAFTA—Supplemental Agreements.

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: As you are aware, the undersigned environmental groups have each consulted with your office about and made recommendations concerning the North American Free Trade Agreement (NAFTA) supplemental agreements on the environment. In order to clarify the positions that we believe are critical to the supplemental agreement negotiations and to help the President achieve his objectives on NAFTA, we have come together to define those provisions which if included in the supplemental agreements would secure the support of all of our organizations for the NAFTA.

In developing the positions set forth below, we were guided by several key principles: (a) that the supplemental agreements must establish a North American Commission on the Environment (NACE) which is given meaningful responsibility and the resources to undertake its role; (b) that the Signatories must give NACE the power to play an important role in helping ensure that the Signatories enforce their environmental laws; (c) that the NACE have the ability to discuss, evaluate and report on important environmental and conservation issues; (d) that the Signatories agree to a dedicated source of funding for the NACE, border infrastructure and cleanup, and conservation programs; (e) that there be meaningful public participation in the environmental aspects of the NAFTA, including the NACE; and (f) that ambiguities in certain provisions of the NAFTA text, particularly the standards provisions, be clarified.

Based on these principles, we have agreed that the undersigned groups will support the NAFTA if the supplemental agreements include the following provisions:

I. THE NACE

A. Structure. The Signatories would establish a North American Commission on the Environment (NACE) that, in addition to Commissioners, is staffed by a permanent Secretariat headed by a Secretary General who has the independent power to prepare reports and conduct investigations, and which is advised by a Citizens Advisory Board that includes representatives of non-governmental organizations from each Signatory.

B. Power to Prepare Reports. The NACE would have the responsibility for preparing specific reports set forth in the supplemental agreements. The NACE would also have the power to act as a policy forum to debate and report on environmental and conservation issues.

C. Power to Investigate. The NACE would have the power to conduct investigations on its own initiative or in response to citizen petitions in a manner consistent with priorities set by the supplemental agreements and the Secretary General. It would also prepare reports on the results of such investigations.

D. Contents of Reports and Follow-up. The reports of the NACE would include suggested action plans; the Signatories involved would respond in writing to such action plans; the NACE agreement would require the Secretary General at regular intervals to follow up and report on the status of the implementation of an action plan; and the Secretary General would make all its reports and responses public.

II. ENFORCEMENT

A. Gathering Information. To gather information the Secretary General would have the power to hold public hearings and request that the relevant Signatory government gather information that the Secretary General finds is necessary. A Signatory responding to a request from the Secretary General for information would seek to obtain such information pursuant to and consistent with the Signatory's laws and regulations. The Secretary General would have the power to request verification of data by visits by its staff to the relevant facilities accompanied by enforcement personnel of the Signatory. The visits would be conducted consistent with the laws and regulations of the Signatory and be of sufficient scope to meet the information objectives of the Secretary General. All denials of requests for information or verification would be made public unless the Signatory certifies that this would interfere with an ongoing civil or criminal investigation.

B. Individual Facilities and Operations. The Secretary General would have the power to gather information about individual facilities and operations, and be able to use such information to evaluate enforcement of law by the Signatories.

C. Sanctions. The Signatories agree that any Signatory who believes that another Signatory has engaged in a pattern of failing to comply with NACE recommendations embodied in an action plan or with requests for information and verification by the Secretary General could initiate a dispute settlement proceeding under Chapter 20 of NAFTA on the basis that such repeated failures nullify and impair the concessions granted in the NAFTA. Article 2019 sanctions would be implemented where a dispute panel finds a pattern of a Signatory failing to comply with NACE recommendations embodied in an action plan and/or a pattern of failing to respond to NACE requests for information and verification.

D. Domestic Law Enforcement. The Signatories would agree to make available to their own citizens under their domestic laws enforcement procedures similar to those in Article 1714 of NAFTA so as to permit effective enforcement of environmental laws.

III. FUNDING

A. Funding for NACE and Border Projects. The supplemental agreements would provide for a secure source of funds in an amount sufficient to enable the NACE to undertake each of its responsibilities and functions, as well as for cleanup and infrastructure programs on the U.S./Mexican and U.S./Canadian borders.

B. Funding for Conservation Programs. The supplemental agreements would provide for a secure source of funds for conservation, biodiversity and ecosystem protection programs.

IV. STANDARDS

A. Negotiation of Process Standards. The Signatories would agree to enter into negotiations within six months of the implementation of the NAFTA to discuss criteria for setting process standards. In addition, the Signatories would agree to place a moratorium on bringing cases to dispute settlement panels if the law at issue is designed to protect fish, animals or wildlife outside the territorial land of the Signatories until these negotiations develop applicable criteria for process standards. The implementing legislation would include a provision specifying that arbitral panel decisions adverse to a U.S. fish, animal or wildlife law or regulation would not result in the repeal or amendment of any such law or regulation.

B. Chapter 9. The Signatories would clarify that Chapter 9 was intended to allow challenges to an environmental standard-related measure only on the ground that it is discriminatory or was designed as a disguised barrier to trade, not on the ground that it is too strict.

C. Chapter 7. The parties would either agree on language clarifying certain key terms in Chapter 7 that remain ambiguous, including but not limited to the term "necessary," or agree that they will not bring cases under Chapter 20 challenging a sanitary or phytosanitary standard for pesticide residues or contaminants in food under Chapter 7 except on the ground that the standard is discriminatory or was designed as a disguised barrier to trade.

D. Challenges to State Laws. The Administration would agree that it will seek in the U.S. implementing process a provision preventing the preemption of or interference with states' or other subnational entities' laws or policies on the basis of Articles 105 or 902.

V. DISPUTE SETTLEMENT

A. Dispute Settlement Protocol. The Signatories would enter into a protocol which clarifies the procedures of arbitral panels; which sets forth the deference such panels will give to a Signatory's agency and judicial decisions and a Signatory's laws concerning the setting of standards; which increases the transparency of arbitral panel proceedings by providing, consistent with criteria set in the supplemental agreement, documents to the public and the opportunity for interested persons to file amicus briefs; and which specifies the opportunity for public participation and the use of environmental experts in such proceedings.

B. Input Into U.S. Positions During Dispute Settlement Proceedings. The implementing legislation would provide for public input (and, where appropriate, input from state and local governments) into U.S. government decisions relating to: (i) the defense of cases before arbitral panels challenging environmental laws, and (ii) decisions whether to bring a dispute settlement proceeding alleging that a Signatory has not complied with NACE recommendations or requests.

VI. PUBLIC PARTICIPATION

In addition to the public participation provisions described above, the Signatories

would agree to enact "community right-to-know" laws consistent with Principle 10 of the Rio Declaration.

VII. INTERNATIONAL ENVIRONMENTAL AGREEMENTS

The Signatories would add additional environmental and conservation agreements to Annex 104:1 and list automatically on that annex all amendments to the agreements on that annex and in Article 104. Dispute resolution panels would give deference to a Signatory's decision that it has properly interpreted the relationship between the NAFTA and another international environmental agreement. We will provide a list of the Agreements that we believe should be added to Annex 104:1.

VIII. SUPPLEMENTAL AGREEMENTS

The Signatories would agree, consistent with their domestic law, to take actions that give the supplemental agreements on the environmental the same status and effect as the NAFTA itself.

The provisions described in this letter are elaborated and amplified in the attached back-up memorandum. Taken together, we believe that they would be either consistent with historical practice in the international areas or reflective of the trend towards greater transparency in international deliberations, that they would be consistent with the preamble to NAFTA and the Rio Declaration, that they would not unduly interfere with the sovereignty of the Signatories, that they would not require a rewrite of the NAFTA text, that they would increase protection of the environment throughout North America and that they would lead to significantly better protection of the environment than would result if the NAFTA were defeated.

Please note that neither this letter nor the back-up memorandum addresses a number of important issues that affect the borders of the Signatories, including the relationship between the NAFTA and other border agreements, and institutions and the need for establishing national environmental management districts. These issues will be addressed in another letter we are preparing. In addition, we are preparing and will provide a letter analyzing funding options.

We deeply appreciate your careful consideration of the matters set forth in this letter and look forward to meeting with you to discuss them further.

Sincerely,

Roger Schlickeisen, Defenders of Wildlife; Fred Krupp, Environmental Defense Fund; Peter A.A. Berle, National Audubon Society; John Adams, Natural Resources Defense Council; Jay D. Hair, National Wildlife Federation; John Sawhill, Nature Conservancy; Kathryn Fuller, World Wildlife Fund.

Mr. BAUCUS. I yield the floor and thank the distinguished Senator from Kentucky for his generous allocation of time.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the distinguished Senator.

Will the Chair please advise of the time situation?

The PRESIDING OFFICER. The Senator now has 20 minutes remaining.

Mr. HELMS. And there is to be a rollcall vote on a cloture motion at 3 o'clock as the matter now stands.

The PRESIDING OFFICER. At 3 o'clock a cloture vote is scheduled.

Mr. MCCONNELL. Mr. President, if the Senator will yield, the leader would like 5 minutes before the vote, and I would like about 5 minutes. I do not know how much the Senator from North Carolina is planning on taking.

Mr. HELMS. That will suit me fine. I just happen to be here with a statement to make.

I suppose the Chair will notify me after I have used 8 minutes so I will not intrude on the time.

Mr. President, this conference report will cost the States, all 50 of them, and their respective taxpayers, millions of dollars while making it even easier for illegal aliens to register to vote and obtain welfare benefits.

This is an outrageous set of circumstances, and I am especially disappointed that the conference committee stripped out the Simpson-Helms amendment that would have prevented illegal aliens and noncitizens from voting. This amendment, approved by the Senate, was simple and straightforward: it allowed States to require proof of citizenship of any individual desiring to register to vote. Why did the political types in this country decide this was too much to ask?

Mr. President, without this amendment, illegal aliens such as Zoe Baird's chauffeur could end up voting in our elections. This bill should be called the Illegal Aliens' Voter Registration Act.

The right to vote is one of the most precious rights of American citizenship. It is, in essence, one of the foundations of our democracy. Voting determines the makeup of our Government and the policies that affect every American. But this conference report could enable illegals and noncitizens to dilute the voting process and undermine our democratic form of government.

The Simpson-Helms amendment, deleted by the conferees, would have protected the integrity of the electoral process. Proof of citizenship is not merely a reasonable requirement—it is an imperative one. But the conferees struck it out.

Some conferees have contended that the bill contains safeguards to ensure illegals do not register to vote. Not so—all the bill contains with respect to that is a requirement of a little statement on the registration form that an applicant must be a citizen in order to register to vote. If you will forgive me, Mr. President—some safeguard.

Others argue that illegals do not vote in elections. Not so. Do not tell me that. Try telling them that in Texas and California. In 1989, the Immigration and Naturalization Service conducted a survey of those who voted in a special election in Florida. The INS found that illegal aliens made up 11 percent of all ballots cast by foreign-born voters. Under this bill, the potential for more fraudulent voting is markedly increased.

Mr. President, a second problem is that this bill will make it easier for illegal aliens to get welfare benefits—and for the illegal aliens, that is like winning the lottery to get in this country and get on the dole. Once illegal aliens get voter registration cards, count on it—these cards will immediately show up at the welfare office to defraud various Federal welfare programs.

As a matter of fact, a Chicago grand jury in 1982 made this observation:

> Many illegal aliens register to vote so that they can obtain documents identifying them as U.S. citizens. * * * We have learned that these aliens used their voters' cards to obtain a myriad of benefits, from Social Security to jobs with the Defense Department.

Mr. President, nobody has the faintest idea how many illegal aliens are tapping into the welfare system, but it is happening. Believe me it is happening. American taxpayers are being taken to the cleaners to pay for millions of dollars in handouts to people who should not be in the country in the first place.

Mr. President, the Simpson-Helms amendment would have allowed States to maintain some control over who registers to vote. It would have allowed States to require proof of citizenship. But the conferees said, no, we cannot have that. They did not explain why. They just said no, no.

Furthermore, the excessive cost of this bill is passed along to the States—which may force at least some of the States to increase their taxes by millions of dollars.

For example, this bill requires the States to register voters by mail, at driver's license offices, in welfare offices, and various other places. It saddles the States with a host of requirements; it will cost the States, as I said earlier, millions of dollars that the States simply do not have.

It borders, it seems to me, on being criminal that Congress so often approves legislation mandating and requiring the States to pick up the tab. This is called passing the bill and passing the buck.

The Congressional Budget Office estimates that this bill will cost the American taxpayers at least $20 to $25 million a year. But even this is a very deceptive number. For the States to take on the burden of explaining and handling the voter registration red tape, more and more employees on the State level will be needed at the various agencies designated by the bill. The States will be required to pay for

mailings and for printing materials and a plethora of other burdensome costs. Most importantly, many States will be forced to buy computer systems in an effort to prevent fraud, and that will cost the taxpayers a bundle.

North Carolina officials already have requested $3.1 million simply to buy a computer system so they can have a chance to fight election fraud. Ten states estimated the cost of implementing this bill would run about $87 million. So there is no free ride involved in this. We are mandating or those who vote for this bill are mandating requiring the States to do all the work and pay the cost. We are just saying take it and run. But you furnish the money.

This $87 million may be chicken feed to the big spenders in Washington, but it is a chunk of money to the people back home.

The pending conference is another attempt it seems to me to dump on the American taxpayers. Congress should stop dumping on State governments and stop dumping on the taxpayers, directly or indirectly.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-eight seconds.

Mr. HELMS. Mr. President, I yield back all of that extra time.

The PRESIDING OFFICER. The Senator from North Carolina yields back his time.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank my friend from North Carolina for his statement in regard to this conference report. No longer is this bill a backdoor means of forcing States into adopting election day registration or no registration whatsoever. Under the original bill, any State that could not afford to comply with the onerous and expensive mandates would be exempted from the bill altogether—if they adopted election day registration or no registration. Republicans succeeded in grandfathering in the five States that would have qualified for the exemption prior to March 11, 1993. Whatever the intentions of the original escape-hatch provision may have been, the effect would have been to push States into adopting extremely liberal registration systems that they otherwise would not adopt. Republicans also improved the agency-based registration provision. Under the original legislation, States would have been required to register voters as they receive assistance at welfare, disability services, and unemployment offices. Under the Republican core package amendment, States still would have been required to provide agency-based registration, but the makeup of those agencies would have been left up to the States to determine. Unfortunately, the Republican position did not prevail on this point. Although unemployment offices still will be optional, welfare and all public assistance offices are once again required to register voters.

That, in my judgment, is a deficiency of the final conference report.

While the intent may have been admirable in bringing low- or no-income citizens into the political process, the effect will be to put these citizens in a precarious position.

Citizens who rely on government checks to eat, pay the rent, and feed their children are particularly vulnerable to intimidation, be it overt or implicit. A social service worker with a check in one hand and a voter registration form in the other? Yes, that will be intimidating. It will be at least as intimidating for these citizens as it would be for taxpayers being registered to vote by an Internal Revenue Service auditor.

Five other Republican core package provisions were adopted in varying degrees: First, unsigned applications will serve as a declination; second, undeliverable registration notices will trigger the bill's purge provisions; third, States will be allowed to require that registrants who do not notify officials of a change of address within a jurisdiction could vote at only the new or only the old precinct; fourth, registration forms will stipulate voter eligibility requirements and penalties for fraud; fifth, agency-based registrants will be allowed to refuse assistance.

Further, Senator MCCAIN's amendment to ensure that our Nation's servicemen and women are brought into the process through registration at military recruitment offices has been retained. No one has a greater stake in our Nation's electoral process than our soldiers whose very lives may hinge on the decisions of elected officials.

In addition to these, Senator DURENBERGER drafted additional language to address the coercion problem inherent in agency-based registration. While I think the bill is better with this language than without it, I am not satisfied that the potential for coercion has been alleviated.

Mr. President, another important Republican amendment that we included in the Senate version of the bill, courtesy of Senator SIMPSON, was unfortunately dropped in conference. Senator SIMPSON's amendment simply would have clarified that States could require proof of citizenship to register to vote. It is curious, to say the least, that this provision was dumped by Democrats on the conference committee.

Let me just say, in summary, Mr. President, this bill is better—considerably better—thanks to the efforts and resolve of Republican Senators who stood firm and insisted on these amendments in the face of baseless charges of gridlock.

However, Mr. President, Congress still has not paid for the motor-voter bill. It still is an unfunded mandate. It still is a solution in search of a problem. It still should be defeated.

So, Mr. President, in spite of the improvements that have been made in this bill as a result of the resolve of 41 Republican Senators earlier in the process, this bill still comes up short of the mark.

I hope that cloture will not be invoked and that the conference will reconvene and consider how it might further improve this bill prior to final passage.

Mr. President, I reserve the remainder of the time on this side.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky, Mr. FORD.

Mr. FORD. Mr. President, I understand that the other side has about 7½ minutes remaining and I have 9-plus remaining.

The PRESIDING OFFICER. The other side has 7 minutes remaining.

Mr. FORD. I have 9 minutes?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. FORD. I want to reserve 5 minutes for the majority leader.

The distinguished Senator from Oregon [Mr. HATFIELD] is here. He has been one of the stalwarts. He started with it. He is going to be there when it ends. I am grateful to him for not only his friendship, but his strong support.

I yield 4 minutes to Senator HATFIELD, so I might have 1 remaining.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD] is recognized for 4 minutes.

Mr. HATFIELD. Mr. President, I thank the Senator from Kentucky [Mr. FORD] for yielding me time. I will not exercise, probably, all of that time.

Mr. President, let me just first of all thank my colleagues on this side of the aisle who worked diligently in the effort to improve the bill from the perspective of a Republican minority. I appreciate also the work done in the conference, the good faith that was kept by the majority in that conference for pursuing the established position of the Senate. It did not achieve all the reforms that the Republican side desired. Yet I supported the bill initially, and I feel the changes that were made have strengthened the bill.

So I consider this at this time a bipartisan bill. I will not divide the percentages, but, nevertheless, from the standpoint of an original cosponsor of the bill, I really feel that the bill was worthy of passing as it was introduced on the floor.

Mr. President, since our last debate on this bill, the Commerce Department of our Federal Government has issued the release of the statistics on the election of 1992, the last Presidential election. In that, we had a 61-percent voter turnout, which was certainly a great improvement over the previous years, the previous cycles—4 percent higher

than in 1988, and, of course, it was higher than the lowest turnout record in 1964 of 57 percent.

Mr. President, I again want to stress that we are talking about 39 percent of the eligible Americans who did not vote in 1992. I think we can certainly take pleasure with the increasing statistics, but it still is a disgrace to the leading democracy in this country that we have 39 percent of our people eligible to vote who failed to exercise that responsibility.

There are many reasons, and I am not suggesting the registration procedure is the only reason that inhibits a greater participation in our system of voting than what we see in our statistics. I know that in this bill we address the voter registration process as one of the inhibiting forces. We are now saying, in effect, "Come participate. We are going to make it a simpler exercise to register."

And I say this is not a theory. This has been proven and been proven in my State by mail, by motor-voter registration, by the extension of this franchise with roving recorders for voter registration. All these have been exercises that have enhanced the voter turnout in my State. This is based upon a track record, not some philosophy, not some theory, but upon a track record not only of my State but other States that have operated the motor-voter.

I could talk today about the importance of a single vote and a single voter, so that we increase the voting by 1 by 2, by 50, by 1,000, by 1 million. Every voter that turns out, every voter that we encourage into the voting process, into the exercising of their rights, certainly is an enhancement of our democracy.

This is an invitation to democracy, not to partisanship. This is an invitation to enjoy democracy.

Mr. President, as I mentioned earlier, last week the U.S. Commerce Department released the official voter turnout rates for the 1992 election. The good news was that voter turnout for the Presidential election of 1992 was the largest since 1972. Sixty-one percent of the voting-age population reported voting in 1992—a rate 4 percent higher than in 1988, which at 57 percent was the lowest turnout recorded since the Federal Government began tabulating these figures in 1964. In total, approximately 114 million people voted in 1992, compared with 86 million in 1972.

Mixed with these encouraging figures, however, is the reality that while 61 percent of the population voted, 39 percent did not. We all know that the reasons for not voting are varied. Today, however, with our consideration of the conference report for the National Voter Registration Act of 1993, we are taking a major step toward eliminating one of the primary reasons why some in America still do not vote—our registration process. We are making voter registration an achievable goal for every American—whether they register at their local department of motor vehicles, through the mail or at a State agency. The national standard set in this legislation sends a strong signal to the 70 million eligible Americans who aren't registered to vote by inviting them into the electoral process.

Our action today underscores the importance of a single vote, a single voice, a single expression of interest in the political process. By opening the system, we are calling all Americans to participate in their Government. As many of my colleagues know, I have a love of history. I am struck today by the message of this legislation in an historical context. Throughout our past, history has been decided by a single vote: In 1645, a single vote gave Oliver Cromwell control of England; in 1649, a single vote caused Charles I of England to be executed; in 1776, a single vote gave America the English language instead of German; in 1839, a single vote elected Marcus Morton Governor of Massachusetts; in 1845, a single vote brought Texas into the Union; in 1868, a single vote saved President Johnson from impeachment; in 1876, a single vote changed France from a monarchy to a republic; in 1876, a single vote gave Rutherford B. Hayes the Presidency and in 1923, a single vote gave Adolf Hitler leadership of the Nazi Party. A sole vote, whether we agree with the outcome or not, should not be wasted in our electoral process today because of barriers which preclude access.

As I have said many times in the past, this bill is rooted in democracy, not partisanship. This bill stands for the premise that we are all Americans first, not Democrats or Republicans. We share a common heritage in the American democracy.

I am pleased that the conference report we are considering today includes many of the amendments raised by my side of the aisle when the Senate acted on this bill. My colleagues have improved the legislation in some areas; the political process has yielded a stronger final outcome. I urge my colleagues to stand above the partisan fray which still echoes in this Chamber regarding this bill by voting to accept this conference report.

Several of the concerns raised by my party have been addressed and it is time for this legislation to move forward.

It was just over 4 months ago that Senator FORD and I introduced the National Voter Registration Act in the 103d Congress—the same legislation as that which passed the Senate in the previous Congress. The difference this year is that following the 1992 elections, citizens across the country were calling for electoral reform covering everything from campaign financing to term limits. The context is right for an overhaul of our voter registration process.

I would like to take this opportunity to commend my friend and colleague from Kentucky, Senator FORD, for his commitment to this legislation and his ongoing efforts to ensure that this bill reflects a balance between access to the electoral process and protection from fraud and abuse. I would also like to commend my colleague from Minnesota, Senator DURENBERGER, for his work during the conference to draft anticoercion language for the agency-based registration procedures. He has added a significant safeguard to the process. Finally, I would like to express my gratitude to the coalition of interest groups who have labored long and hard for legislation which will open the system to society as a whole.

I urge my colleagues to adopt this conference report.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I yield such time as he may require to the Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the manager of the bill, Senator MCCONNELL.

Mr. President, the know-it-alls at the New York Times editorial board are at it again. In another misguided editorial in today's editions, the Times makes its case for the so-called motor-voter bill, in the process trashing Republican efforts to improve this legislative lemon.

Once again, the Times is snarling because its pet legislation was subject to a two-party review, subject to the kind of two-party scrutiny the American people expect when Congress is spending the taxpayers dollars and socking them with big Government mandates. That's why Republicans tried to amend the motor-voter bill, tried to reduce the possibility of fraud and coercion, and tried to force Congress to pay for it instead of dumping the costly mandate on cash-strapped States. But, no, even modest improvements adopted in conference, including registration at military recruitment offices, were described as damaging in the New York Times. I am not surprised. Anything the New York Times editorial staff supports is always damaging to the taxpayers.

Overlooked by the Times in all its liberal zeal is one very important fact: The motor-voter bill is another unfunded mandate—I repeat, unfunded mandate—on our already overburdened States. When big brother in Washington slaps an unfunded mandate on the States, somebody has to pay the bill for the Federal edict, and that unhappy burden falls to State and local governments struggling to hold the line on taxes while providing essential serv-

ices. Did the Times mention this fact? Of course not.

In fact, when I challenged editorial board editor, Howell Raines, to seek the views of secretaries of state, the National Association of Counties, the National League of Cities, the National Association of Towns and Townships, the National Association of State Legislatures, or other representatives of State legislatures and localities who oppose the motor-voter mandate and its big price tag, Mr. Raines responded this way:

I do not think our advocacy would be influenced by the local and State officials that you mention. It seems to me that our national experience has instructed us that the franchise cannot be trimmed to the convenience of officeholders.

Apparently, Mr. Raines and the Times, sitting in their ivory tower, do not have to talk to the folks in the real world. You see, the Times knows what's best, not only for America, but for our State and local governments as well.

It appears the New York Times will not be satisfied until the Federal Government drives a voting booth up to the front door of every home in America, and forces folks to vote—Democrat, of course. Well, last time I checked, voting was a treasured privilege which some even call a civic duty. Do not get me wrong, in my view everyone ought to vote. But instead of recognizing voting as a personal responsibility, Mr. Raines and his crew see it as a Government responsibility.

But when it comes to practicing what it preaches, the Times flunks its own test. A young aide in my office recently ran for Congress from New York's Seventh Congressional District, covering portions of both Queens and the Bronx. Although the race occurred right in the Times' own backyard, this esteemed paper did not give his candidacy a single word of coverage—not one word of coverage, nor did it allow him to come before the editorial board for a candidate interview. The editorial board gave this talented reform candidate the cold shoulder, claiming his candidacy was not viable. Guess what? This not viable candidate received 44 percent of the vote in a heavily Democrat district—that is a higher vote percentage than President Clinton, George Bush, or Ross Perot received nationwide. And who knows how many other talented candidates—Republicans, Democrats, Independents—were not given the time of day by the paper that claims "all the news that's fit to print." It looks like the Times' editorial know-it-alls were more than happy to trim political competition for the convenience of newspaper editors.

So, I find it hard to take the Times seriously when it claims to know how to fix American politics. If the Times wants more people to vote, and wants to make elections more competitive, it ought to do its part by informing the readers, by reviewing candidates, by talking about the issues and give people their choices when they go to the polls.

Perhaps then, as the Times argues, today democracy with a small "d" will prevail.

Mr. President, let me just say finally, as I said before, nobody wants this bill—nobody. I think they are probably going to get it, but nobody wants it. My Governor does not want it, a Democrat. I have not had any calls from county officials or from city officials. I cannot think of anybody in America who wants this bill. It seems to me we are putting another mandate out there and saying if it is a welfare office, we have to mandate that you register to people. Of course, you cannot coerce them. There is language to that effect in there. It just does not make any sense to a lot of people.

So I suggest, again, those who want the Government to do everything, they are probably going to prevail. Those who want more mandates are probably going to prevail. But in the long run it is going to be the American taxpayers, the people who have to implement and manage the different laws in various States, who are going to be the ones at the short end. Not the voters, there are plenty of opportunities to register to vote in every State. I do not believe this bill will make one whit of difference. But if it makes the liberals happy, maybe it is worth it.

Mr. FORD. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. FORD. Does the other side have any time left?

The PRESIDING OFFICER. One minute and 21 seconds.

Mr. FORD. And I have 5 minutes left?

The PRESIDING OFFICER. Yes.

Mr. FORD. Let me take 1 minute.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. FORD. This is the 12th day we have debated this bill in this session. All we are attempting to do here is to reconnect the citizens with their Government, to give them an easier way to be registered to vote so if they want to vote they can vote.

You hear them say nobody wants this. Well, I can name secretaries of state, local offices—but they are politicos. They are politicos.

The people want this. People across this country, associations, organizations, want this bill. People want the bill. Sure, I can understand that politicians do not want it. They want to control what they have. The people might be uncontrollable. They might vote them out of office.

Let us give the people a chance here.

To reiterate, including today, this is the 12th legislative day that the Senate has considered the motor-voter bill. I think we can safely assume that we have fully debated every aspect of this bill, and that everything that can be said for and against this bill has been said.

I would like to make one point about this bill, and that is the goal. Motor-voter seeks to connect people to their Government by placing them on the rolls of eligible voters, so that if they want to vote, they can. It is that simple. Motor-voter reconnects citizens to their Government by expanding the opportunities for people to register to vote.

Last Friday, there was a lengthy debate about this conference report. Many Senators suggested that they preferred the Senate bill to the conference report. Let me remind my colleagues how we got to this conference report.

In February, the House passed the exact same bill which passed the Senate last Congress. We brought that bill to the floor and the Senate, through the legislative process, amended the bill. This required a conference. And conference committees require compromise. Seldom does one house get its way.

During our debate on the Senate bill, I promised to make a good faith effort to keep the Senate's amendments in the conference. Even the opponents to this bill have acknowledged that the core amendments have been largely kept intact.

I have kept my commitment in conference. And I believe that we have brought back a good bill. This conference report deserves the support on both sides of the aisle.

I urge my colleagues to join me in the adoption of this conference report.

Mr. FORD. Mr. President, I yield what time I have left to the distinguished majority leader.

The PRESIDING OFFICER (Mr. WELLSTONE). The majority leader is recognized.

Mr. MITCHELL. Mr. President, once again, in a practice that has become depressingly familiar, the Senate confronts another Republican filibuster. Filibuster, after filibuster, after filibuster; delay, after delay, after delay; obstruction, after obstruction, after obstruction.

From 1919 to 1971, the period covering 26 Congresses over 52 years, there were an average of fewer than one filibuster a year in the Senate. Frequently throughout an entire 2-year period of a Congress there were no filibusters. The filibuster was used on those rare occasions when a large national issue was at stake. It was not a party tactic, it was not used for repeated obstruction and delay. Sadly, that has changed. Now it is used as a party tactic. Now it is used for obstruction and delay.

In the last Congress, in this Senate, on 48 occasions motions had to be filed

to end filibusters—48 times; when for much of this century there was fewer than one filibuster a year. Not every one of those 48 was a Republican filibuster, but almost every one was. And now we have seen that pattern continuing into this year. On virtually every major bill that we attempt to bring up, we confront a filibuster. And, if ever there was an accurate editorial headline, it is the headline in today's New York Times which describes this as a useless filibuster.

This is a bill that would make it easier for Americans to register to vote. It is hard enough to understand why anybody would be against such a bill, let alone to filibuster against a bill to prevent a vote from occurring. Our colleagues have the perfect right to oppose the bill if they want. But they are not satisfied with that. They not only want to oppose the bill, they want to prevent a vote from occurring.

It has passed once in the Senate, it has passed twice in the House, the President favors it, the American people favor it, and yet a dedicated group of obstructionists is trying to prevent the Senate from even voting on it.

If the statistics I gave just a moment ago were not enough—48 motions to end filibusters in the last Congress—look at the pattern this year. We barely have been in session for 3 months and we have already had to file motions to end filibusters 12 times in this session of the Senate. Obviously, not all of them on different bills because many times we have to file cloture motions over and over again—as we have on this bill. We had to file two, in case we do not get it today, to have a vote tomorrow.

I hope the American people pay attention to and understand what is going on here. The question is whether the Senate is going to be able to function. The question is whether a minority can continuously thwart the will, not just of the majority of the Senate, but of the American people. This bill has the support of the American people. It will make it easier for Americans to register and vote.

I have heard all these tired arguments about fraud. I can only say this. I am proud that I represent the State of Maine, where we have had these voting procedures in place for some years.

Mr. President I ask unanimous consent I use my leader time to be able to complete my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. In this last election, proportionately more people voted in Maine than in any other State of the country—No. 1 in the Nation in participation, and not one recorded case of fraud.

I hope the other Senators will encourage the people in their States to vote. I say to my Republican colleagues, do not be afraid of democracy. We elect Republicans in Maine from time to time—good ones; good men and women who represent our State. We found that we can compete fairly and vigorously when more people participate.

What are they afraid of? Why are they afraid of the people participating in the democratic process? Why do they not let us vote? Let us proceed, Mr. President. Let us vote. Let us get cloture. Let us end this filibuster and let us let the American people participate in democracy.

The PRESIDING OFFICER. The junior Senator from Kentucky has 1 minute, 21 seconds remaining.

Mr. MCCONNELL. I want to see if anybody on this side wants to use that minute.

The PRESIDING OFFICER. The Senator has 52 seconds remaining.

Mr. MCCONNELL. Time is fleeting.

Mr. MCCAIN. Mr. President, I reluctantly oppose the conference report to H.R. 2, the motor-voter bill. Although I applaud the goals of this bill and strongly support removing the barriers that discourage individuals from registering and voting, the conference report before us today takes a rather selective approach to increasing voter registration and imposes unneeded costs on local communities.

Three aspects of this bill greatly trouble me. First, the bill links Federal monetary assistance to voter registration. Second, the bill places upon the States a mandate that we do not fund. Last, the bill is very selective in whom it seeks to register.

First, the conference report before the Senate today mandates that public assistance offices seek to register and assist in registering clients of those agencies. Mr. President, I strongly oppose this provision of the bill.

By mandating that public assistance offices register their clientele to vote, the act of registering and the financial well-being of those individuals become intrinsically linked. Although a provision was added to the bill that requires that public agencies inform benefit recipients that registration is optional and the level of their benefits will not be affected by not registering, I still believe that the link between registering and benefits exists.

When an individual seeks direct financial assistance from a social service agency—in other words, when that individual's financial survival is dependent on the actions of a social services agency—that individual is uniquely vulnerable to the powers of suggestion and coercion. No notice or warning, as the conference report mandates, is sufficient to de-link this connection.

Mr. President, I believe that this issue may come back to haunt us. I only hope that in 5 or 10 years we are not forced to revisit this issue because certain sectors of society believe that they have become victims of coercion.

Second, Mr. President, this bill places an undue, excessive cost burden on the States. When an issue is important enough for the Federal Government to mandate a certain type of action, then it is important enough for the Federal Government to pay for the mandate. All too often we in Washington, DC, pass unfunded Federal mandates which make it exceedingly difficult for States and local governments to do their work. This bill is one such example.

My State of Arizona already has a motor-voter policy. Voter registration rates in Arizona are among the highest in the country. Yet under this bill Arizona will be forced by the Federal Government to change its current system at great cost to Arizona taxpayers.

The Maricopa County Recorder's office has estimated that the cost of complying with this Federal mandate to Maricopa County alone will be approximately $900,000 for the first year after this bill becomes law.

Last, Mr. President, it greatly disturbs me that the proponents of this bill believe we must require social services agencies to register their clients, but that the military should not actively register its members. Why have the sponsors of this bill taken such a selective approach to voter registration?

It is my understanding that the proponents of this bill claim that increased voter registration will be beneficial to our Nation. I do not disagree with this claim. Yet if the goal of the bill is increased voter registration—nationwide, cutting across all racial, ethnic, and political lines—then why does this bill mandate that welfare offices register people to vote, but only encourages the military to do so.

It is these kinds of games that has caused the public's faith in Government to sink so low. Mr. President, it is these kinds of games, not voter registration laws, that have caused people to stay away from the polls and abstain from voting.

I offered an amendment during consideration of this bill that would have mandated that the military seek to register our sailors, soldiers, and airmen. It is only fair that the men and women in uniform be treated with the same consideration as welfare recipients. This conference report, however, unfairly makes it easier for welfare recipients to register than the men and women in the military. This, as I have stated, I believe is wrong.

Mr. President, I support efforts to increase voter registration. I believe that all of my colleagues feel the same way. What is unfortunate is that this bill does not truly address the issue. This bill is more smoke and mirrors, more games being played at the public's expense. Unfortunately, this flawed bill does not deserve the support of the Senate.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 2, the National Voter Registration Procedures bill:

George Mitchell, Joseph Lieberman, Paul Simon, Barbara Boxer, Max Baucus, Carl Levin, Harris Wofford, Frank R. Lautenberg, Harry Reid, John F. Kerry, Harlan Mathews, Wendell Ford, Patty Murray, Byron L. Dorgan, Russell D. Feingold, Herb Kohl, Carol Moseley-Braun, Paul Wellstone.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 2, the National Voter Registration Procedures Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 37, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—63

Akaka	Feingold	Mathews
Baucus	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Boren	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Hatfield	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Jeffords	Reid
Campbell	Johnston	Riegle
Cohen	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
DeConcini	Kohl	Sasser
Dodd	Krueger	Shelby
Domenici	Lautenberg	Simon
Dorgan	Leahy	Specter
Durenberger	Levin	Wellstone
Exon	Lieberman	Wofford

NAYS—37

Bennett	Dole	Lugar
Bond	Faircloth	Mack
Brown	Gorton	McCain
Burns	Gramm	McConnell
Chafee	Grassley	Murkowski
Coats	Gregg	Nickles
Cochran	Hatch	Packwood
Coverdell	Helms	Pressler
Craig	Kassebaum	Roth
D'Amato	Kempthorne	Simpson
Danforth	Lott	Stevens
Smith	Thurmond	Wallop
		Warner

The PRESIDING OFFICER. If there are no other Senators wishing to vote, on this vote the yeas are 63, the nays are 37. Three-fifths of the Senate duly chosen and sworn having voted in the affirmative, the motion is agreed to.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, my friend, Senator DOLE is here, the Republican leader, and we have debated this now for 12 days here in the Senate.

I wonder if there is a chance we might waive the 30 hours and go on and pass this bill.

Does the Republican leaders have any though on that?

Mr. DOLE. I have not thought a great deal about it.

Mr. FORD. The Senator does not have to think too much; just say yes.

Mr. DOLE. That is not a requirement in this body. In any event, we will be happy to.

I would like to talk to the majority leader about the program for the next week or so. I think we can make some accommodation.

I think we have had the debate, and I want to congratulate the distinguished Senator from Kentucky. He has prevailed, and we are prepared to move ahead. One thing we do not like is gridlock.

Mr. FORD. I understand that. That is one reason I prevailed upon the Senator from Kansas, the Republican leader. I know he does not like gridlock, and that was the reason I thought we might be able to go on to a quick vote.

Mr. DOLE. But if the Senator will just yield further, Mr. President, I wanted to point out some gridlock we had last year that never got passed: Incentives for first-time homebuyers; capital gains tax rate reduction; enterprise zones; investment tax allowance; $500 per child increase in personal exemption; regulatory review; comprehensive health care reform; health insurance market reform; malpractice reform; balanced budget; line item veto; capping the growth of mandatory spending; enhanced rescission authority; America 2000, Excellence in Education; Job Training 2000; comprehensive crime——

The PRESIDING OFFICER. Will the Senator yield for a moment?

Mr. DOLE. Yes, Mr. President.

The PRESIDING OFFICER. Order in the Chamber, please. All discussion will cease.

Mr. DOLE. Comprehensive crime bill—I thank the Chair—and product liability.

These are just a few items that we thought were brushed off. Maybe we can put them in a big package, if we are told here we can propose anything.

We noticed nobody quarreled when President Bush wanted all these initiatives that would have helped the economy and helped America, and we were told by the majority—they do not have to filibuster; they just do not bring them up. That is one of the advantages of being in the majority. We were told, "The President is not a king," and we agree with that. And we were told that in some cases, bills may just be so bad as far as the national interest is concerned that they have to be defeated; and we agree with that. But we never even had a chance to defeat these. They were never raised.

So when I hear or see the crocodile tears being shed on the other side about filibuster, which should be a last resort measure, not a first resort measure—in the old days, we would have debate for a couple days and decide when to file the cloture motion—it is now standard procedure to bring up a bill and someone files cloture. No wonder you have more cloture motions filed.

I say to my colleagues on both sides of the aisle, we have some responsibility in the Senate and there are some times we are going to disagree, just as we had disagreement before. When you are in the majority and disagree, it is easier. You just never face up to it. You never bring it up, and nobody ever knows the difference.

From time to time, we will have disagreements, and these are very fine. This is just a little subsist we put together here just to indicate there are a lot of measures that had a lot of merit that never saw the light of day, never passed the Congress, never got to the White House, not because of anybody on this side; there was not any gridlock over here; there was not any filibuster over here. On all these incentives, I did not hear anybody screaming gridlock on the other side.

But, oh, it would have been nice to have the capital gains tax rate reduction, enterprise zones, incentives for first-time home buyers, an increase in per child exemption of $500, and health insurance market reform—where everybody agreed; we were just never able to bring it up—line item veto, all those things. Capping the growth of mandatory spending would have really helped the economy and helped President Clinton. But for some reason, none of these were enacted into law.

I just again congratulate the distinguished Senator from Kentucky and the majority leader, because on this issue they prevailed. It is not a major issue; it is another unfunded mandate. Someone will have to pick up the tab for couple hundred million dollars.

Again, if that is what some people think we ought to do—just push it off on the taxpayers—then that is the will

of the Senate and we understand that, and we are not going to try to withhold final judgment much longer.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, first, I look forward to consulting with the distinguished Republican leader on the completion of the pending bill, cloture having been invoked by the Senate. And I hope we can do that promptly.

Second, I will be pleased to review the list which the Republican leader read off. I was hearing it for the first time, so I did not catch all of them. But several of them were included in the tax bills which the Senate twice passed, and which President Bush vetoed.

And third, I thought I heard a reference to a comprehensive crime bill. Unless my recollection fails me, that is a bill that we passed but we could not complete action on in the Senate, in the conference report, because of Republican filibuster. So I guess it closes the circle that it should not now become the subject of discussion as a result of this filibuster.

In any event, I am pleased that the Senate has taken this important action to pass this important bill. I would just like to correct one statement that has been made—and I am certain the Republican leader made the statement inadvertently—when he said that we bring up a bill then file cloture right away. I am speaking from memory, but it is my recollection that not once in the 5 years that I have been majority leader have we filed cloture at the time we brought up the bill.

We did file cloture on motions to proceed to the bill, when we were informed by our Republican colleagues that they did intend to delay action.

I will check the record. There may have been one occasion or two in which that occurred, but it has been my practice not to do that and to permit a period of debate and discussion on a bill before filing cloture.

Mr. SARBANES. Will the majority leader yield on that point?

Mr. MITCHELL. Yes.

Mr. SARBANES. I think it is very important to underscore that the way the rules of the Senate work, there, in effect, can be a double filibuster, unfortunately. I think it is a grievous defect in the rules, very frankly.

The other side can filibuster just bringing up the bill to begin with. I mean, we cannot even get to the bill and a filibuster is mounted. And there have been times when there has been an indication that that is exactly what would happen if we tried to even bring the bill up.

Then, once you finally get the bill up, why, of course, there can be a filibuster on the bill itself. So you can have, in effect, a double filibuster.

Mr. DOLE. Will the Senator yield?

Mr. SARBANES. The majority leader controls the time.

Mr. MITCHELL. I yield to the Republican leader.

Mr. DOLE. I want to remind the Senator from Maryland that he participated in such a filibuster on ANWR last year on a motion to proceed. We never got the bill up. The Senator from Maryland was right in there, saying, "Don't bring this bill up."

Mr. SARBANES. Well, I want to say to the Republican leader, given that the rule exists, people use the rule. I frankly think we ought to get rid of the rule, and I am prepared to support doing that.

I also want to make the important point that, as I listened to the minority leader talk, I got the impression that the minority feels that they ought to be able, in effect, to determine the agenda.

Our complaint now with the use of the filibuster is that a majority is being denied the opportunity to actually have a vote on the legislation. In other words, the minority is using it to prevent action by the majority on legislation that is before the Senate.

Now the Republican leader comes back and says—I assume, I have not looked over the whole list, so I do not know the details of each one of them, although I do know that on the crime bill there was an effort to get cloture and we got, I think, 56 or 57 votes at the high watermark on the crime bill in order to cut off debate. So 56 Members wanted to cut off debate and wanted to actually vote on that conference report and, of course, 44 others denied the opportunity to get to it. So you had a situation in which a clear minority was preventing a majority from working its will.

Mr. MITCHELL. Mr. President, if the Senator has completed his remarks, I yield the floor.

Mr. DOLE. Mr. President, I also want to congratulate my colleague on this side of the aisle from Kentucky for his outstanding work on this issue. We have made a number of changes that have made this bill a better piece of legislation, and it is largely due to the efforts of the distinguished Senator from Kentucky [Mr. MCCONNELL].

Again, that is another reason we were on the floor day after day after day. If we do not have an obligation on both sides of the aisle to improve legislation, then what are we here for? The Senator from Kentucky understands that.

We made seven or eight changes in the legislation. It has made it a better bill, made it possible to pass the bill today, to get cloture, because the senior Senator from Minnesota [Mr. DURENBERGER] was able to support cloture today because of changes that were made in the conference.

Again, I want to say that I think the conference, as the majority leader indicated, acted in good faith, got everything they could. They could not get the one provision, but they did get some language that even supports trying to avoid fraud and coercion and things of that kind.

So I think, after all is said and done, it is a better piece of legislation than it was. I do not know of anybody who is demanding it. I am not certain it is going to help get more people to vote. We will see what happens over the next few years.

But, in any event, this piece of legislation will soon be history, and I wanted to make certain that I acknowledged the untiring efforts of my colleague, Senator MCCONNELL.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, the conference report on the National Voter Registration Act of 1993 is the culmination of an ill-fated attempt to reform the voter registration system. It is yet another example of the unwillingness of Congress to halt the waste of taxpayer dollars through unfunded mandates on the States.

CBO has estimated that during fiscal years 1994 through 1998, this bill will cost taxpayers $18 million at the Federal level and $105 million at the State level.

Last November, voter turnout records were shattered. More people voted than in any election since 1972, yet Congress wants to force taxpayers to waste their hard earned money to increase voter participation. Aren't there better ways to spend limited taxpayer funds? I just don't get it.

According to a report from the Commerce Department's Census Bureau, released May 5, 1993, titled, "Voting and Registration in the Election of November, 1992," "61 percent of the voting-age population said that they went to the polls in 1992, the highest turnout since the elections of 1972."

Jennings report shows that in total, approximately 114 million people voted in 1992 compared with 86 million in 1972. It also shows an increase in new registrations before the 1992 election.

This bill mandates a specific approach to voter registration, in a purported attempt to get even more people to register to vote. Well, Mr. President, voter registration has traditionally been a State issue. I believe it should stay that way.

Iowa offers numerous opportunities for people to register to vote. For example, people may register at driver's license renewal offices, State government offices, universities, through the mail, including registration forms pro-

vided in tax returns and in telephone directories, and various other ways.

More than 30 States already offer these various opportunities to register to vote. In light of these efforts to register people to vote and the record-breaking turnout in the November elections, why do we need the motor-voter bill?

With the extensive availability of voter registration in 30 States, perhaps the lower turnout in past years should be attributed to other things besides the difficulty of voter registration, as the proponents suggest.

Could it be attributed to the frustration that citizens feel with their Federal leaders and the political system?

Could it be that our constituents are tired of their leaders acting as if they live above the law by passing laws that apply to everyone but themselves?

Or maybe it is the foolish way they see their leaders spending Federal funds when the deficit is breaking the backs of our children.

If we want to see higher voter turnout, perhaps we need to work toward greater accountability for Government officials. Maybe this increased accountability would restore the confidence of the American people in their leaders and the system.

If the election of 1992 told us anything, it told us that our constituents want a change. They are tired of the same old way of doing things.

I am pleased that the conference committee saw fit to remove unemployment offices from the list of mandatory registration sites. Unfortunately, I do not believe this step goes far enough in removing the prohibitive costs on the States to implement this bill.

Maybe we should run the numbers for other Federal programs which will be affected by this mandate. The WIC Program in Iowa sees approximately 30,000 adults each month. Add to this the offices providing services to the disabled and the expense would be astronomical.

Mr. President, I simply do not believe we can justify the cost of another unfunded Federal mandate when we consider the active involvement of the States in registering people to vote and the recordbreaking turnout of the November elections.

I believe the States should maintain their authority in this important area. Iowa is doing a good job with almost 78 percent of our citizens registered to vote in this past election and over 70 percent actually voting. I don't want the Federal Government to do anything to interfere with Iowa's success. It is for these and other reasons that I will vote against the conference report to the motor-voter bill.

Mr. AKAKA. Mr. President, as a cosponsor of the National Voter Registration Act of 1993, I am dismayed that our colleagues on the other side of the aisle are continuing to block passage of this legislation. The problem of declining voter registration is not new to this Chamber.

Opponents of the conference report argue that the bill gives rise to increased voter fraud. To safeguard against this, the measure would impose Federal criminal penalties on anyone who attempts to commit registration or other election fraud. An individual who knowingly and willfully intimidates, threatens, or coerces another into registering or voting, procures or submits false registration, or procures, casts or tabulates fraudulent ballots would face a fine or a prison sentence.

Critics of the bill also contend that H.R. 2 would place an unfair financial burden on the States. I disagree. The Congressional Budget Office estimates that the total direct cost of this bill to all 50 States would be $20 million. However, CBO concludes that States could save $10 million in a Presidential election year and $7 million in a non-Presidential election year. Added to this $7–$10 million savings is an approximate $4 million annually saved in postage costs because H.R. 2 would reduce the postal rate for all mailings required by the bill.

Although voter turnout in 1992 was about 5 percent higher than previous elections, 45 percent of eligible citizens chose not to vote. We know that when people are registered, they are more likely to vote. But when approximately 40 percent of all eligible votes are not registered, overall turnout will remain low. An estimated 38 percent of those eligible to vote in the past Presidential election were not registered.

In order to register to vote, individuals must now contend with a variety of local registration laws and procedures that may inhibit voter participation. Enacting uniform national registration procedures is the most practical way to register eligible voters. By making voter registration more accessible, we would increase the number of registered voters and expand the most fundamental right of all Americans.

Mr. President, I cosponsored this bill as I did in the 102d Congress. And, during the last Congress, I was pleased to cosponsor Public Law 102-344 which extended provisions of the Voting Rights Act to ensure language assistance to citizens who would otherwise be prevented from voting by their limited proficiency in English. That measure reconfirmed Congress' commitment to enfranchising all eligible Americans. Passage of this conference report takes this commitment a giant step further.

Mr. SPECTER. Mr. President, I seek recognition to speak for not in excess of 7 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of Senate Joint Resolution 93 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I thank the Chair and yield the floor.

Mr. FORD. Mr. President, I see no other Senator wishing to be recognized. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on adoption of the pending conference report occur at 4:30 p.m. today, and that at 4 p.m. tomorrow the Senate proceed to the consideration of Calendar No. 53, S. 714, the RTC reauthorization bill.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleague, the distinguished Republican leader, and the managers of the bill, the distinguished Senators from Kentucky, for their cooperation in this matter.

Under this agreement, there will be a vote at 4:30 today, that is, in approximately 21 minutes, on the conference report, and then the Senate will proceed to consideration of the RTC reauthorization bill at 4 p.m. tomorrow. Senators should not infer from that agreement that no action will occur between those two events. There may be other business before the Senate then. I am discussing with the distinguished Republican leader other matters that may be before the Senate.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. I have indicated to some of my Members on this side that the majority leader may move to some of the nominations on the calendar. I have indicated to them there are some cases where there may be a legitimate reason to hold the nomination. And others I would hope they would not. If they are waiting for a personal visit from the nominee or if they are waiting for a letter to be answered, some legitimate request, then I assume there will not be any effort to move those nominations. But I have advised and will advise by hotline that we would like to dispose of as many nominations this evening and tomorrow as possible.

Mr. MITCHELL. Mr. President, the distinguished Republican leader is correct. As in the past, we will, of course, honor a reasonable request for a Senator to have a chance to speak with or to obtain information from a prospective nominee, and we will not make

any effort to proceed immediately as long as such matters are outstanding for, obviously, a reasonable amount of time. We do hope to gain approval of as many other nominations, where no such circumstance exists, as is possible.

Mr. President, might I say that is the subject to which I referred earlier. It may be necessary—although we hope not—to attempt to proceed to some of these nominations during the day tomorrow, and it is that to which I referred earlier when I stated that Senators should not assume from this agreement that there will be no votes between 4:30 today and 4 p.m. tomorrow; although we will make every effort to accommodate the schedules of Senators.

Mr. President, I thank my friend, the distinguished Republican leader, and I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, announces that pursuant to title 22, United States Code, section 276–276g, as amended, appoints the Senator from Iowa [Mr. GRASSLEY] as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the 1st session of the 103d Congress, to be held in Halifax, Nova Scotia, Canada, May 13–17, 1993.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING ADDITIONAL COPIES OF SENATE HEARING

Mr. FORD. Mr. President, on behalf of the majority leader, Senator MITCHELL, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of Senate Resolution 101, a resolution authorizing additional copies of the Senate hearing titled "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States"; that the Senate proceed to its immediate consideration; that the resolution be deemed agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 101) was deemed agreed to, and reads as follows:

S. RES. 101

Resolved, That in addition to the usual number, there shall be printed 250 copies of volumes 1, 2, 3, and 4 of Senate hearing entitled, "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States", which may be printed at a cost not to exceed $1,200 per volume, for the use of the Committee on the Judiciary.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DURENBERGER. Mr. President, I rise today in support of the conference report on the National Voter Registration Act, better known as the motor-voter bill.

At the outset, I have to say that the State of Kentucky which is well known for a variety of things, from race horses to things that are consumed, has been incredibly well represented during the debate on motor-voter bill by their Senators. I want to be the first of many to compliment Senator WENDELL FORD for his leadership to promote universal access to voter registration. And I also want to thank my friend and colleague Senator MCCONNELL for his firm commitment to preserving the integrity of the election process. I believe having been sort of in the middle of this for a while, it is because of the involvement of these two Senators from different political parties from the same State that made it possible for the motor-voter bill to accomplish both of their objectives.

The motor-voter bill provides for voter registration at driver's license stations, registration by mail, and registration at certain State agencies. I have always supported the concept of this legislation. I believe that we should remove barriers that prevent any American from participating in civil society, especially barriers to full participation in the political process.

I was the author of the Voters' Rights Act a few years ago for people with disabilities which required much of the same access at the local level for people with disability.

My home State of Minnesota already registers voters using the methods outlined in this bill. In fact, we go even further than that. We allow voters to register on election day, as a result of which provision my State of Minnesota is specifically exempted from coverage under motor-voter.

So you see, Mr. President, I have had the rare luxury of considering legislation that will impact nearly every State but my own. In spite of my support for the motor-voter concept, I felt a responsibility to listen to the concerns of my colleagues from other States where the motor-voter bill will apply.

Many of my Republican colleagues were concerned that in expediting the voter registration process, we might also be opening the door to increased fraud, abuse, and coercion in the electoral process. For this reason, Republicans offered a core package of amendments to address these concerns.

If not for the presumption of unlimited debate in the Senate, these amendments might never have been seriously considered. But because the Senate requires 60 votes to cutoff debate, Republicans were able to leverage the acceptance of their core package in the Senate version of motor-voter.

The conference report adopts virtually all of the Republican core package. Some of the provisions in the core package included: Requiring an affirmative act to register; informing registrants of the penalties for submitting a false application; allowing registrants to refuse assistance, and to fill out their application in private; allowing States to determine the proper polling place for persons who have moved within a voting jurisdiction, and removing the loophole that would allow States to adopt same-day registration in the future solely to escape the mandates of motor-voter.

I think each of these would be substantial improvement to this bill.

The most contentious part of the core package for the conferees seemed to be the provision that would permit—but not require—States to place voter registration in public assistance agencies and unemployment offices. The concern Republicans were trying to address was twofold. First, that States should have flexibility in determining where to place registration, and second, that applicants should not feel pressured to register—or to register a certain way—when they are in the very offices where they have gone for help.

On the other hand, the concern of many of the conferees was that people who don't have driver's licenses, many of whom are disabled or receiving public assistance, might be disadvantaged if voter registration were not required in public assistance offices.

Because I did not want to see the motor-voter bill die over this issue, I offered compromise language to the conference committee that I believe addresses the concerns of both sides. Under the conference agreement, voter registration will be required in public assistance agencies, and agencies that provide services to the disabled. Voter registration will not be required in unemployment offices.

Under my compromise, applicants in State agencies would be provided with

a form that advises them of their right to register or not register, that their benefits will not be affected by their decision, that they have the right to privacy or assistance while they register, and that they may file a complaint with election officials if they believe they have been coerced in the registration process.

I also urged the conference committee to accept a Senate provision that was offered by Senator MCCAIN, requiring voter registration in military recruitment offices.

I am happy that the conference committee adopted the Republican core package virtually in its entirety, along with my compromise language dealing with coercion and Senator MCCAIN's military recruitment provision. I believe that a strong, solid motor-voter bill emerged from conference.

Some people have recently criticized the presumption of unlimited debate in the Senate—denouncing it as an instrument of gridlock.

I would ask these critics to learn the lesson of motor-voter—that our tradition of unlimited debate can serve as a powerful tool to promote consensus-building and dialog between the parties. I hope that this lesson will carry over to the many other difficult policy issues that will face this body.

Again, I thank Senator FORD and Senator MCCONNELL for their efforts on the floor and in conference committee regarding motor-voter. I believe that we have a better bill because of their leadership.

I would also like to thank the League of Women Voters and the many other groups who have championed increased access to the political process during the debate on motor-voter. In particular, I am grateful for the involvement of the disability community—in Minnesota and nationwide—for their efforts in helping us understand issues involving access, and helping us resolve these issues in a successful compromise.

I look forward to working with my colleagues and others in the months ahead to promote full participation in the political process by all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, as I understand it, the unanimous-consent agreement is that we vote on the conference report on motor-voter. With that in mind, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. Mr. President, I will always remember with pride the first amendment I introduced on the floor of the Senate. As the first in my freshman class, I sought an amendment to the motor-voter bill, which would have exempted from the onerous provisions of this bill, States which had demonstrated their ability to register their citizens to vote. I introduced an amendment to remove from consideration States which had registered to vote 75 percent of their voting-age populations. I will always be proud of this amendment because I felt compelled to act for Idaho and for all States which will suffer under the boot of this costly and unrelenting Federal mandate.

Following the 1992 election cycle, 22 States had over 75 percent of their eligible voters registered. My amendment recognized the accomplishments of those States and exempted them from the provisions of the motor-voter bill. Furthermore, my amendment held out the incentive to any State which could better the national average before the implementation dates by allowing them to avoid the mandates in motor-voter.

This Congress must end the practice of imposing new mandates on States and local governments. We must give incentives to induce performance to States and local governments.

The Congressional Budget Office estimated that the motor-voter bill would cost between $20 to $25 million a year for the first 5 years and a one time cost of $60 to $70 million to computerize registration lists. The Conference of State Legislatures estimated total costs of $58 million.

Pete Cenarrusa, the Idaho secretary of state, Secretary Cenarrusa railed against what he called an insidious intrusion into the rights of the States. He is justifiably proud of the efforts the State of Idaho has made under his stewardship and he sees motor-voter as an effort to hold a legislative hammer over the head of his State.

Anything sincerely believed is worth pursuing. And since I sincerely believe that the U.S. Senate must hear the cry from the people to stop heaping new requirements on the backs of States and local governments, I rose to try to seek relief for States which have acted most responsibly and cannot, by anyone, be faulted for their efforts.

During the debate on my amendment, my good friend from Kentucky, Senator WENDELL FORD claimed that my amendment would provide a disincentive to States to purge their voter registration records; that the registration rolls would swell. To this I answer that the presumption that heretofore responsible States would begin to act irresponsibly is simply Federal paternalism and must be swept from the Hill.

We do not argue here whether it is worthwhile to have Americans participate in this democracy. All of us recognize that it is worthwhile. What we argue here is, at what cost do we mandate the method and manner by which that participation is increased? We argue here an elemental principle between the paternalism of the Federal Government and the clear freedom of individual State legislatures who seek to develop a system that works best for their individual State. Many argue that this motor-voter bill is the correct solution to the apparent problem in some States of low voter registration, and I may agree.

I agree that if the State legislatures of the States are satisfied with the version of motor-voter that they have found successful that they should take no act which will reduce their success. If on the other hand States have found that another system has brought them equal success—why is it left to this body to steal that success away from them?

The time has truly come for this body to see that we must stop applying unfunded Federal mandates to States and local governments. The tide of public opinion is rising against the Federal Government. I am now, and will, stand on the side of the people. I will work to see this practice put to an end.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] is necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—62

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Graham	Moseley-Braun
Boren	Harkin	Moynihan
Boxer	Hatfield	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Packwood
Bryan	Inouye	Pell
Bumpers	Jeffords	Pryor
Byrd	Johnston	Reid
Campbell	Kennedy	Riegle
Conrad	Kerrey	Robb
Daschle	Kerry	Sarbanes
DeConcini	Kohl	Sasser
Dodd	Krueger	Shelby
Domenici	Lautenberg	Simon
Dorgan	Leahy	Specter
Durenberger	Levin	Wellstone
Exon	Lieberman	Wofford
Feingold	Mathews	

NAYS—36

Bennett	Dole	McCain
Bond	Faircloth	McConnell
Brown	Gorton	Murkowski
Burns	Gramm	Nickles
Chafee	Grassley	Pressler
Coats	Gregg	Roth
Cochran	Helms	Simpson
Cohen	Kassebaum	Smith
Coverdell	Kempthorne	Stevens
Craig	Lott	Thurmond
D'Amato	Lugar	Wallop
Danforth	Mack	Warner

NOT VOTING—2

Hatch Rockefeller

So the conference report was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I worked long and hard on this piece of legislation that now will become law upon the signature of the President, and he has said that he will sign it.

You try to thank a lot of people and it is very difficult to do because so many people played different roles and created different atmospheres that probably none of us will ever know about.

But I do want to thank Jack Sousa and Tom Zoeller of the Rules Committee and our director, Jim King. I want to especially thank Senator HATFIELD. He stood out like a beacon, if I could use that term, on the other side who was the original cosponsor from the beginning. We worked together very hard to bring this into being. Even though the percentage was not very big, he said it was a bipartisan effort.

I want to thank Sue Hildick of his staff for her hard work, and from Senator WELLSTONE'S staff, Colin McGinnis.

I have not heard anything from a politician who is for this bill. But we are going to find some elected officials who are for this bill out in the States. But, Mr. President, this was a grassroots effort. It started at home. The people at home, the organizations that came together, are the ones that brought this bill to its final conclusion today. There are representatives here today, Mr. President, of over 40 organizations in the coalition group which supported this measure and worked diligently to see its completion today.

It is unusual, I guess, that you thank someone from the other body for their hard work, but I want to thank Congressman AL SWIFT for his long and dedicated work on this legislation.

Mr. President, I hope that our constituents will begin to see a puzzle come together. We passed legislation on gifts and what we can receive, about lobbyists and all that. That was a plus, in my opinion. This bill is another piece of that puzzle coming together that we passed that will reconnect our constituency with Government and, oh, do we need that.

So I look forward now to this piece of legislation becoming law, and I look forward to seeing more participation in Government. This does not mean we are going to have an overwhelming number of people vote after this goes into place. This does not guarantee that more people will come to vote, but it does guarantee that more people will be registered. And if people are registered, they have the opportunity when they are inspired to do so to go to the polls and vote. And that is all we have done here.

But when you say that is all we have done, we have done something that is amazing, in my opinion. We have made it easier for the American people to be a part of their Government and when we do that, I think we have accomplished the purpose here. Oh, yes, we have a lot to do and we will do a lot.

But, Mr. President, again, I thank all those I did not name who had a part. The majority leader worked long and hard with all of us on this. He was never wavering in his effort to see this bill come together. I appreciate the President early on saying that he looked forward to receiving this piece of legislation and signing it into law.

THE EFFECT OF MOTOR-VOTER MANDATES ON RHODE ISLAND

Mr. CHAFEE. Mr. President, the Senate has voted to approve the conference report on the National Voter Registration Act. I have no argument with the intent of the bill, to increase voter registration in the hope of encouraging greater participation in the election process. As I stated in previous debate on this legislation, my own State of Rhode Island has a motor-voter program that has worked very well since its inception in 1990. My objection to this bill is that this is excessive micromanaging by the Federal Government. There is no public outcry for this legislation, and, even worse, in States like Rhode Island, we are preempting an existing, well-functioning motor-voter program.

H.R. 2 requires all 50 States to adopt uniform, federally mandated voter registration practices. Included are three major provisions: the well-known motor-voter provision, which requires the automatic registration of eligible individuals during routine transactions with State motor vehicle registries; a provision which would permit individuals to register by mail; and agency registration, which would permit individuals making applications for public assistance to be registered and allows registration at other facilities, such as community centers.

The majority of States already have some form of motor-voter registration. I am pleased that Rhode Island is among those States. All of the States are able to adopt motor-voter registration if they choose to do so. There is no reason for the Federal Government to impose these requirements on the States.

Many States will be compelled to revamp their registration procedures in order to comply with the Federal mandates. In the case of Rhode Island, it seems ridiculous to me to require a State that is grappling with difficult decisions about cutting basic services and already has highly accessible voter registration procedures—an established motor-voter program and more than 1,000 registrars during election years—to spend scarce resources on implementing federally mandated registration procedures.

The Board of Elections in Rhode Island has worked hard to develop and implement a fair system of registration, taking care to ensure that fraud is at a minimum. This bill, which the President is sure to sign into law, will cause our board of elections to throw away that system and start from scratch. In Rhode Island, we require proof of residence and ask the registrant to sign his or her name in two places so that an original signature will be on file both at the polls and in the office of the board of elections. This bill not only permits an individual to register without showing any proof of identity or residence, but the board of elections in Rhode Island wonders what they would be required to do if the mail registration form was filled out incorrectly. Would they be required to telephone each potential mail registrant? Would they throw the incorrect form away and leave the individual with the mistaken belief that he or she was registered?

Finally, the Rhode Island secretary of state, Barbara Leonard, is deeply concerned about preventing registration by illegal aliens. This conference report fails to require any verification of citizenship, thus opening the door to registration by illegal aliens.

This bill, while well motivated, is seriously flawed. The Federal Government should have better things to do with its time than inflict burdensome registration requirements on States that are already doing a fine job registering voters.

Mr. FORD. Mr. President, I do not know of any other Senator wishing to speak. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent the Senate proceed to executive session to consider the following nominations: Calendar 67, Calendars 80 through 88, Calendar 97 through 101, Calendar 103 through 108, Calendar 111, Calendar 113 and 115; I further ask unanimous consent that the nominees be confirmed en bloc; that any statement appear in the RECORD as if read; that the motion to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Frank N. Newman, of California, to be an Under Secretary of the Treasury.

DEPARTMENT OF AGRICULTURE

James R. Lyons, of Maryland, to be an Assistant Secretary of Agriculture.

Richard E. Rominger, of California, to be Deputy Secretary of Agriculture.

Richard E. Rominger, of California, to be a member of the Board of Directors of the Commodity Credit Corporation.

Bob J. Nash, of Arkansas, to be Under Secretary of Agriculture for Small Community and Rural Development.

Bob J. Nash, of Arkansas, to be a member of the Board of Directors of the Commodity Credit Corporation.

Wardell Clinton Townsend, Jr., of North Carolina, to be an Assistant Secretary of Agriculture.

Eugene Branstool, of Ohio, to be an Assistant Secretary of Agriculture.

Eugene Branstool, of Ohio, to be a member of the Board of Directors of the Commodity Credit Corporation.

DEPARTMENT OF DEFENSE

Jamie S. Gorelick, of Maryland, to be General Counsel of the Department of Defense.

DEPARTMENT OF THE INTERIOR

Nicolas P. Retsinas, of Rhode Island, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF STATE

Thomas R. Pickering, of New Jersey, a career member of the Senior Foreign Service, with the personal rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

Harry J. Gilmore, of Virginia, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

E. Allan Wendt, of California, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Victor Jackovich, of Iowa, a career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bosnia and Herzegovina.

Patrick Francis Kennedy, of Illinois, to be an Assistant Secretary of State.

Eric James Boswell, of California, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

Mary A. Ryan, of Texas, to be Assistant Secretary of State for Consular Affairs.

Conrad Kenneth Harper, of New York, to be Legal Adviser of the Department of State.

Victor Marrero, of New York, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Wendy Ruth Sherman, of Maryland, to be an Assistant Secretary of State.

DEPARTMENT OF THE TREASURY

Margaret Milner Richardson, of Texas, to be Commissioner of Internal Revenue.

Jeffrey Richard Shafer, of New Jersey, to be a Deputy Under Secretary of the Treasury.

George J. Weise, of Virginia, to be Commissioner of Customs (new position).

Mr. DOLE. Madam President, I just indicate that that clears all but eight on this list, and I assume some of those may be cleared maybe by tomorrow. So we are making progress. I discussed this earlier with the majority leader. Some have barely been on the calendar a day or two, but others have been on the calendar for a couple of weeks.

Again, I would say where there is a legitimate reason for the delay, waiting for a letter to be answered, waiting for a meeting, a personal meeting, I think everybody agrees that those are reasonable requests, as long as they do not run on and on, because I certainly agree that President Clinton needs and is entitled to have his people on board at the earliest possible time.

Mr. FORD. Madam President, I appreciate the attitude of the Republican leader. We want to move this along just as fast as we possibly can, and hopefully with just a few remaining we might be able to clear them today and tomorrow.

STATEMENT ON NOMINATION OF GEORGE WEISE TO BE COMMISSIONER OF CUSTOMS

Mr. DOLE. Mr. President, I want to reaffirm my support for the nomination of George Weise to be the new Commissioner of Customs. On January 28, just days after his inauguration, I sent a letter to President Clinton urging him to nominate George Weise to the position. I think it is important that Mr. Weise has previous experience in the commercial side of the programs under the jurisdiction of the Customs Service. He has held related positions in the private sector, and in both the legislative and executive branches of Government.

An article in today's Journal of Commerce written by staff reporter Tim Shorrock calls into question my support for George Weise. Mr. Shorrock might be in line for some kind of award. The article contains six factual errors, and that may be a record for an article about the mundane mechanical workings of the Senate. About the only thing that I agree with in the article is the statement by a spokesman of the Department of the Treasury. The quote is: "That's absolutely not true." Well, that quote is true, and that is about all that is in the article.

Mr. President, some 2 months ago, I wrote a letter to the Department of the Treasury asking certain questions about a personnel matter. That letter had remained unanswered until yesterday. In an effort to receive a response I placed a hold on the nomination for what is now only 2 days.

It did not get here until Friday, and we are going to act on it today. I was pleased that the Secretary of the Treasury, Secretary Bentsen, visited my office yesterday and hand delivered the letter. I think I can say, without revealing what was discussed, that he was a little upset that a letter dated March 17 had not yet been answered. He happened to give me the letter, and he indicated it was much too late.

This action is totally within the precedents of the Senate and should not be taken as any indication of my lack of support for Mr. Weise. It should be taken, however, as a sign that my colleagues and I expect the administration to respond to requests for information by the Congress.

This morning I received certain information I had originally requested and which was inadvertently left out of the response I received yesterday. Following that receipt, I asked for further clarification of the matter and hope to receive a response to that request either today or tomorrow. It is my hope the response will meet my objective to obtain this information and that the Senate can then approve the Weise nomination.

Mr. President, due to a new requirement in law, George Weise will be the first Commissioner of Customs to be confirmed by the Senate. I know his tenure at Customs will set a standard for all other Senate-confirmed Commissioners to follow. So George, I wish you, your wife Therese, and daughters Michelle and Melissa all the best in the future.

Mr. President, I ask unanimous consent that a letter from me to President Clinton regarding the Weise nomination be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, January 28, 1993.

Hon. BILL CLINTON,
President, the White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to recommend George J. Weise, Staff Director of the Trade Subcommittee of the Committee on Ways and Means, as the next Commissioner of Customs.

As a member and former Chairman of the Senate Committee on Finance, I am aware of the important responsibilities of the Customs Service and believe strongly that Customs' complex mission in the future will require highly experienced and dedicated leadership. Mr. Weise's specialty is customs law. He worked at the Customs Service and has been a staff member of the Ways and Means Committee for nine years, serving as Staff Director of the Trade Subcommittee for the past four.

He has worked on virtually every piece of legislation affecting trade and customs law in that time. He has consistently demonstrated an ability to work successfully with the wide variety of interests affected by this legislation. His knowledge and professionalism are highly respected by Republican Members and he has worked well with both sides of the aisle in the Senate.

I respectfully urge that you give his appointment the most serious consideration.

Sincerely,

BOB DOLE.

STATEMENT ON THE NOMINATION OF NICOLAS RETSINAS

Mr. D'AMATO. Mr. President, I rise today to offer my support for the nomination of Mr. Nicolas Retsinas to be Assistant Secretary of Housing at the Department of Housing and Urban Development.

As ranking minority member of the Committee on Banking, Housing, and Urban Affairs I have had the opportunity to hear the testimony of the nominee and feel confident that he is qualified to fulfill the duties required of him.

In my view, as the Assistant Secretary of Housing, Mr. Retsinas will have one of the most demanding jobs at HUD. He will have a big job in front of him to carry out HUD's mission of increased housing opportunity, home ownership, and economic growth. The position for which he has been nominated encompasses a broad range of assisted housing, home ownership, and regulatory programs that benefit low- and moderate-income families and elderly and handicapped individuals. The goal of providing decent, safe, and affordable housing for all American families is the core of HUD's mission. Responsible management of the FHA and all programs as well as making the best use of available financial and human resources in the Office of Housing is essential.

It is only by working with HUD that we can best further the rights and needs of our citizens. I believe that we can only do that once the Department has a strong, qualified staff that is able to take on new responsibility and become involved in the day-to-day operation of HUD. I am confident that Mr. Retsinas possess' the responsibility, knowledge, and desire to fulfill the positions for which he has been selected and I look forward to working with him in the future.

69-059 O—97 Vol. 139 (Pt. 7) 23

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on May 10, 1993, received a message from the President of the United States submitting a nomination, which was referred to the Committee on Energy and Natural Resources.

The nomination received on May 10, 1993 is shown in today's RECORD at the end of the Senate proceedings.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-811. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to Military Composite Standard Rates for fiscal year 1994; to the Committee on Armed Services.

EC-812. A communication from the Principal Deputy (Production and Logistics), Assistant Secretary of Defense, transmitting, pursuant to law, a report on continued military need for Bellows Air Force Station, Hawaii; to the Committee on Armed Services.

EC-813. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice of the intention to offer a vessel for transfer to the Government of Morocco; to the Committee on Armed Services.

EC-814. A communication from the Principal Deputy (Production and Logistics), Assistant Secretary of Defense, transmitting, pursuant to law, notice relative to reports on the revitalization initiatives for the U.S. shipbuilding industry; to the Committee on Armed Services.

EC-815. A communication from the Acting Comptroller of the Department of the Defense, transmitting, pursuant to law, notice of a fund transfer relative to the Republic of Kazakhstan; to the Committee on Armed Services.

EC-816. A communication from the Director of Defense Research and Engineering, Scientific Advisory Board, transmitting, pursuant to law, a report on the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

EC-817. A communication from the Chairman of the United States Securities and Exchange Commission, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-818. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, notice of a Presidential Determination relative to China; to the Committee on Banking, Housing and Urban Affairs.

EC-819. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Coast Guard Authorization Act of 1993"; to the Committee on Commerce, Science and Transportation.

EC-820. A communication from the United States Trade Representative, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1994 and 1995 for the Office of the United States Trade Representative; to the Committee on Finance.

EC-821. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of the texts of international agreements; to the Committee on Foreign Relations.

EC-822. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-22 adopted by the Council on April 7, 1993; to the Committee on Governmental Affairs.

EC-823. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-23 adopted by the Council on May 4, 1993; to the Committee on Governmental Affairs.

EC-824. A communication from the Senior Vice President, Federal Intermediate Credit Bank of Jackson, transmitting, pursuant to law, the report for the Farm Credit Retirement Plan for calendar year 1992 and audited financial statements; to the Committee on Governmental Affairs.

EC-825. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities and operations of the Public Integrity Section for calendar year 1991; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-73. A resolution adopted by the Arkansas General Assembly relative to Federal banking laws; to the Committee on Banking, Housing and Urban Affairs.

"HOUSE RESOLUTION

"Whereas, Arkansas banks have a commitment to meet the financial needs of their communities; and

"Whereas, Arkansas banks must remain healthy and profitable in order to participate in the state's economic recovery; and

"Whereas, Arkansas' small businesses need bank credit to assist continuing to stimulate the economic growth of this state; and

"Whereas, Congress and federal regulators have reacted to the savings and loan crisis by enacting onerous laws and regulations; and

"Whereas, these new regulations and laws, specifically FIRREA and FDICIA, mandate that banks apply many more restrictive guidelines in their management and lending practices; and

"Whereas, compliance with these new restrictive guidelines will impose excessive cost in reporting and compliance; and

"Whereas, these funds could be better utilized by meeting the credit needs of Arkansas businesses: Now, therefore, be it

"*Resolved by the House of Representatives of the Seventy-Ninth General Assembly of the*

State of Arkansas, That the Congress is encouraged to examine federal laws and regulations which relate to the regulatory and paperwork burden of commercial banks and to repeal those laws and regulations which do not effect safety and soundness, however, are unfairly restrictive and burdensome.

"Be it further resolved, That President Clinton is urged to issue an executive order to alleviate the unnecessary burdens and restrictions of these laws and regulations; and

"Be it further resolved, That copies of this resolution shall be transmitted by the clerk of the House of Representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Arkansas Congressional Delegation."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 927. A bill for the relief of Wade Bomar; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. DECONCINI):

S. 928. A bill to improve the cost-effectiveness of Federal property management; to the Committee on Governmental Affairs.

By Mr. BREAUX:

S. 929. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD:

S. 930. A bill to extend the deadline under the Federal Power Act to applicable to the construction of a hydroelectric project in the State of Oregon; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. BENNETT, Mr. CAMPBELL, and Mr. JEFFORDS):

S. 931. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the treatment of certain sports clothing; to the Committee on Finance.

By Mr. PELL (by request):

S. 932. A bill to amend the Bretton Woods Agreements Act to authorize consent to, and authorize appropriations for, the United States contribution to the Global Environment Facility, and for other purposes; to the Committee on Foreign Relations.

By Mr. CHAFEE:

S. 933. A bill to amend title XIX of the Social Security Act to allow States to provide coverage under Medicaid for the costs of prescription drugs for qualified Medicare beneficiaries, and for other purposes; to the Committee on Finance.

S. 934. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies in all States and to modify the requirements with respect to such policies; to the Committee on Finance.

S. 935. A bill to amend title XVIII of the Social Security Act to exempt mental health services furnished to an individual who is a resident of a nursing facility from the limitation on the amount of incurred expenses for mental health services that may be taken into account in determining the amount of payment for such services under part B of the Medicare Program; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. SIMON, and Mr. SHELBY):

S. 936. A bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the Medicare Program, and for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 937. A bill to provide for a 1-year delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 938. A bill to amend the Solid Waste Disposal Act to enhance recycling opportunities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S.J. Res. 91. A joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S.J. Res. 92. A joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month"; to the Committee on the Judiciary.

By Mr. SPECTER:

S.J. Res. 93. A joint resolution calling for the President to support efforts by the United Nations to conclude an international agreement to establish an international criminal court; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. BURNS):

S. Con. Res. 25. A concurrent resolution expressing the sense of the Congress that China should purchase a majority of its imported wheat from the United States in order to reduce the trade imbalance between China and the United States; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 927. A bill for the relief of Wade Bomar; to the Committee on the Judiciary.

PRIVATE RELIEF OF WADE BOMAR

Mr. BAUCUS. Mr. President, I rise today, along with my colleague Senator BURNS, to introduce an important piece of private relief legislation.

On August 6, 1989, hundreds of courageous men and women braved the intense heat and dense smoke in an effort to control the Pryor Gap fire that was steadily ripping through the heart of eastern Montana. Sadly, on this particular day, a young man by the name of Wade Bomar was severely injured when a tree unexpectedly toppled over and struck Mr. Bomar's back and legs. As a result of this tragic accident, Wade Bomar was left with the next to impossible task of providing for his wife and two young children while being permanently disabled.

The Public Safety Officers' Benefits Act as amended January 23, 1990, awards benefits to firefighters and other public safety officers that are permanently disabled as a result of injuries sustained in the line of duty on or after November 29, 1990.

Simply put, Wade Bomar and his young family are unfortunate victims of bad timing; a glitch in a law that was passed to help folks like them. The specific intent of this legislation is to compensate individuals just like Wade Bomar. Frankly, this young Montanan has been deprived of the compensation he deserves.

The private relief legislation that Senator BURNS and I are introducing today will award Wade Bomar the long overdue benefits that he has certainly earned.

I would ask that this letter of support for Mr. Bomar and his family from the U.S. Department of the Interior, Bureau of Indian Affairs as well as the full text of the bill be inserted into the RECORD at the end of my statement.

I strongly encourage my colleagues to support this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding section 1303 of Public Law 101-647, Wade Bomar, of Billings, Montana, shall be eligible for public safety officers' disability benefits under section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) to compensate for injuries sustained in the line of duty on August 6, 1989, while fighting the Pryor Gap fire, permanently depriving him of the use of his limbs.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Billings, MT, May 3, 1993.

Hon. MAX BAUCUS,
U.S. Senator,
Billings, MT.

DEAR SENATOR BAUCUS: The Bureau of Indian Affairs, Billings Area Office, supports the request by Mr. Wade Bomar to have the recent modification to the Public Safety Officer's Benefit Program made retroactive to the date of his accident which occurred on August 6, 1989. Mr. Bomar suffered an injury to his back which left him permanently without the use of his legs. At the time of the accident, Mr. Bomar was an employee of the Bureau of Indian Affairs serving as an emergency firefighter.

It is our understanding that the Public Safety Officer's Benefits Act of 1976, which initially covered only death benefits, was modified recently to increase the amount of the benefits and to include disability benefits. The effective date established for the modification was November 29, 1990.

Mr. Bomar has requested assistance from your office, as we understand, in seeking an exception to the effective date to make him

eligible for the disability benefits under this Act. Since Mr. Bomar's accident occurred just shortly before the Act was modified we support Mr. Bomar's request for the exception to the effective date.

If you have any additional questions, please contact Mr. Keith Beartusk, at (406) 657-6358.

Sincerely,

——— ———.

Area Director.

By Mr. COHEN (for himself and Mr. DECONCINI):

S. 928. A bill to improve the cost effectiveness of Federal property management; to the Committee on Governmental Affairs.

FEDERAL PROPERTY MANAGEMENT LEGISLATION

Mr. COHEN. Mr. President, the anger, cynicism, and disillusionment of the public about the performance of Government has calcified into a rage which shows little sign of abating. What fuels this rage is the public's sense that while they are having to cut back and trim expenses, the Government rolls merrily along, wasting money at a furious clip, and, in so doing, sending the message that we really aren't serious about changing the way Washington does business.

As one example of this, I offer the way in which the Government manages the vast office space which it owns or leases. Any private landlord who operated the way the Government is operating would long ago have gone bankrupt. Like all Senators, I talk to many real estate agents and property managers in my State, and I know that times are extremely tight in that field and the margin between survival and failure can be thin indeed.

Into this atmosphere lumbers the GSA as the Government's landlord, building buildings we don't need, leasing space we can't afford, and making decisions which anyone in the private sector with a speck of common sense wouldn't make.

Imagine that you come home and find two light bulbs out, a slight leak in the upstairs faucet, and the bedroom in need of a paint job. The sensible move is to make these modest repairs. The GSA approach would be to build a new home from scratch, and to pay top dollar.

Mr. President, the legislation I offer today draws attention to significant waste caused because the Federal Government does not effectively manage its office space. In the aggregate the Federal Government currently owns over 400,000 buildings that were purchased with hundreds of billions of taxpayer dollars. This number includes almost 438,000 buildings under the control of the Department of Defense and nearly 100,000 buildings under the control of civilian agencies, ranging from the Capitol and the White House to storage sheds and public restrooms at national parks.

The General Services Administration [GSA], the Government's so-called business manager, controls over 260-million square feet of office space in more than 7,500 leased and Government-owned buildings. The annual rents paid by Federal agencies to the GSA for both leased and Government-owned space adds up to about $4 billion. The Government is also the largest single tenant in the country and this year GSA will pay about $2 billion in rent to private landlords. The amount GSA pays is increasing by about $200 million a year.

The current Federal property program is senseless and the General Accounting Office [GAO], which has written scores of reports outlining its deficiencies, agrees. A senior GAO auditor has said that, "public buildings policy is in disarray, and the American taxpayer is certainly not getting value for the burgeoning dollars being spent." When the Government is the only one building in areas where there is already a significant glut in commercial real estate, the criticism of the Federal property management program is understandable.

In a Nation where we have 400 million square feet of unoccupied commercially available office space, the Government has $11.4 billion of construction in the works which, when completed at the end of this decade, will add another 23-million square feet in office space.

The Federal Government has yet to discover that new construction may not make sense when existing commercial real estate can be purchased for a fraction of what new construction will cost. The questions become clear. Why exacerbate the already high vacancy rates by building new buildings and forcing agencies to move out of their current space? Why spend hundreds of millions of dollars for new construction in Chicago, Philadelphia, or Atlanta, where the vacancy rates in those cities are 22, 17, and 30 percent respectively? Or why build additional office space for use by Federal agencies, when the base closure process will make millions of square feet of federally owned space available? The answer to these questions is equally clear. We must reform the Federal property management program to ensure that it is operating in the most cost-effective manner.

GSA maintains that new construction is necessary because the existing structures do not meet the needs of the agencies that will become tenants in the new buildings. GSA often claims that available space is not large enough to consolidate a large number of agencies under a single roof, does not meet the communication needs of agencies, does not meet modern fire codes, or simply does not conform to GSA standards. However, the truth of the matter is that the impulse to consolidate Federal agencies under one roof is not necessarily desireable or cost effective, and a large proportion of available office space has been constructed or modernized within the last 10 years and, consequently, complies with fire codes and safety requirements. I would suggest that the GSA and other Federal agencies, such as the Departments of Defense and Veterans Affairs, who have large construction and leasing programs, be flexible when determining requirements in order to take advantage of the existing real estate market.

Last October, Congress appropriated $626 million to begin 35 new Federal construction projects. At the same time the Resolution Trust Corporation [RTC] and the Federal Deposit Insurance Corporation [FDIC] had about 9,000 office buildings for sale. Recently, GSA announced the construction of a $20 million Federal office building in Louisiana to house 400 Federal workers and consolidate the offices of 14 agencies under one roof. This was done despite the fact that a building which could have been acquired in lieu of new construction was sold by the RTC for $2.5 million. In fact, GSA has never acquired a single one of the office buildings offered for sale by the RTC or FDIC. Instead the Federal Government continues to spend, spend, and spend for new construction.

In Dallas, despite the fact that a number of FDIC and RTC properties are on the market, not to mention all of the inexpensive commercial real estate available in this market, the Federal Reserve Bank just spent over $100 million to complete the construction of its new office building. In Philadelphia, the Postal Service is spending over $250 million to construct a 1-million square foot building which GSA has agreed to lease for 20 years at a cost totalling $490 million. The construction cost amounts to at least $250 a square foot. Over the life of the lease, GSA will pay about $490 a square foot, while prime commercial real estate in the Philadelphia area is currently selling for between $100 and $125 a square foot. As Peter Linneman, director of the University of Pennsylvania's Wharton School Real Estate Center states, "It's blatantly stupid to build in this market. Only the Government would consider it. You couldn't find another party in the world who wants to build, in Philadelphia, right now."

Mr. President, foolish arrangements are not limited to the Government's construction projects, but also apply to leasing arrangements. In Atlanta, where there is already a 30-percent commercial vacancy rate, the Federal Government has agreed to lease a new 1.9-million square foot building from a private developer. This requires the Government to vacate more than 1.2-million square feet currently being rented by Federal agencies in six buildings, and the result is a 73-percent increase in annual rent from $15 million to $26 million. In this period of belt

tightening and pay freezes for Federal workers, this is a particularly galling lapse of judgment. An Arthur Andersen study concluded that if GSA proceeds with its plans, Atlanta's downtown vacancy rate would increase to 47 percent. The study further stated that by abandoning its plans to move to a new Federal center, the Government could save $166 million over 30 years by moving into modern existing space, or $505 million if Federal agencies did not move at all.

For a number of years, GSA has pushed to consolidate Federal agencies under one roof. GSA claims consolidation is necessary to realize economies of scale and improve communication and technological capabilities. And, as you can see from the Louisiana, Philadelphia, and Atlanta cases, GSA continues to push for consolidation. However, given the current real estate market and advances in telecommunications, the consolidation requirement is no longer valid. We must ask ourselves, does it matter to the regional office of IRS if it is in the same location as the Department of Veterans Affairs regional office? The answer is clearly no. Both agencies operate independently of one another, and I can't remember the last time a national crisis arose because the local offices of the Federal Transit Administration and the Drug Enforcement Administration were housed in separate buildings. Yet the argument is used again and again to justify these large dollar construction projects that agencies do not need and the American taxpayer can ill afford. In Philadelphia, the new building being constructed by the Postal Service was justified by GSA claiming it required 1-million square feet in a single building, despite the fact that hundreds of millions of dollars could be saved by leasing some of the 2-million square feet of modern office space which is currently sitting vacant.

Mr. President, while some of the blame clearly rests on the shoulders of the GSA and other Federal agencies, part of the problem rests with the budget requirements. For example, I am very concerned that the current OMB scorekeeping rules encourage leasing which is, in most cases, the most expensive alternative as compared to lease/purchase agreements or purchasing existing buildings. For example, GSA was leasing three floors of the four story Atrium Building in Herndon, VA, from a private developer that subsequently went bankrupt. Riggs National Bank of Washington, DC, foreclosed and shortly offered GSA a lease-purchase agreement for the entire building including the vacant fourth floor, that would, including maintenance expenses, be cheaper than the current lease terms. However, because OMB would have required that GSA be scored in both budget authority and outlays for the entire cost of the lease/purchase, and GSA was unable to program additional funds to cover the requirements, the agency was unable to take advantage of the offer which was clearly more cost effective.

The scorekeeping rules and the cost of acquiring buildings has pushed the Government toward leasing and away from ownership. In 1969, the Federal Government owned 90 percent of the buildings it occupied. Today, just 56 percent of Federal office space is in Government-owned buildings. Consequently, more and more Federal dollars go down the drain in rent with nothing to show for it. Individuals and businesses alike understand the importance of building equity. Unfortunately, the trend suggests that the Government does not.

What is more disturbing about the Federal Government's repeated failure to choose the least costly options is the fact that GSA's property program was designed to be self-sustaining. In 1972, Congress established the Federal building fund as a revolving fund to cover GSA's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings. The fund receives revenue from rent that agencies pay to GSA. Over the years, the fund's revenues have not been able to keep pace with the cost of basic repairs resulting in billions of dollars in deferred maintenance and no available funds for construction projects. Consequently, Congress has authorized the fund to borrow extensively from the Federal Financing Bank and subsidized the fund with direct appropriations.

Mr. President, the Federal Government's property management program is in need of reform that will permit it to function more like a business and less like a Federal construction program that benefits few, is paid for by all, and hurts the already struggling commercial real estate market. If the Government has a legitimate need for additional office space then why doesn't it take advantage of all the modern overbuilt office space that exists and acquire, lease or lease purchase, existing buildings which are much cheaper than new construction.

It is my hope that the legislation I propose today will jump start the reform of Federal property management. My legislation directs the Office of Management and Budget to examine Federal property management policies and make the changes necessary to improve coordination between Federal agencies, promote cost-effective property acquisition strategies, and realize cost savings. Clearly, changes are needed to more effectively manage the Nation's real estate portfolio.

Mr. President, my legislation also urges OMB to encourage all Federal agencies to modify building requirements, such as GSA's consolidation goals, in such a way as to permit the kind of flexibility that will allow the Government to achieve the greatest cost-effectiveness. Requirements should promote flexibility so that agencies may realistically consider the purchase, lease, lease/purchase of existing buildings at market rates, including those owned by the RTC and FDIC, rather than requiring new construction. New construction should only be considered as a last resort and only when it is the most cost-effective option.

My legislation further directs OMB to review its scorekeeping rules and determine what changes are necessary to permit the Government to consider a variety of options and choose those which are most cost efficient. The current scorekeeping rules, in some cases, encourage the government to be penny-wise and pound-foolish.

Mr. President, the public will not be fooled if Congress professes outrage about agency mismanagement and the waste generated by one Federal program or another but fails to pass meaningful solutions. Likewise, the administration will not fool anyone if it invites citizens to call a series of toll free 800 numbers to report waste and mismanagement but nothing happens. Inaction will only continue to fuel public discontent and confirm the public's view that we are not serious about changing the way Washington does business.

My legislation may deal with only a single program but it is one step down the road of rethinking how Government works. If passed and implemented, this legislation should result in significant savings. It will also provide a small dose of the medicine that must be administered if we in Washington ever hope to cure the chronic distrust, anger, and cynicism felt by the American people about their Government.

Mr. President, it is my hope that my colleagues will support this legislation, and that Congress, the President, and OMB will demonstrate their sincerity about rethinking the way Government works and begin a comprehensive review of the Government's property management program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Federal Government owns over 400,000 buildings that cost the taxpayers hundreds of billions of dollars;

(2) the Federal Government is the largest single tenant and builder of office space in the United States;

(3) the Federal Government currently has $11,400,000,000 of construction in the works

which, when completed, will add approximately 23,000,000 square feet of office space;

(4) the Federal Government is constructing, or entering into long-term leases for buildings constructed expressly by the Federal Government, in areas with building vacancy rates as high as 30 percent;

(5) significant budget savings can be achieved if, before considering new construction, Federal agencies aggressively explore the possibilities of purchasing or leasing suitable office buildings available in the market or acquiring suitable real estate under the control of the Federal Deposit Insurance Corporation or Resolution Trust Corporation;

(6) the physical space requirements of Federal agencies and the Judiciary are too often overstated and inflexible and, therefore, do not permit the acquisition or lease of existing properties which may be suitable and cost-effective;

(7) current scorekeeping rules may be discouraging agencies from entering into the most responsible arrangements for securing office space (for example, in some cases, a lease/purchase agreement may be most cost-effective but current scorekeeping rules require that the budget authority and outlays for the entire obligation, paid over a period of years, be scored in the year the contract is signed); and

(8) the Federal Buildings Fund, established in 1972 as a revolving fund to cover the General Services Administration's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings, and funded by the rent agencies pay to the General Services Administration, has failed to be self-sustaining and has required billions in appropriations to finance new construction.

SEC. 2. COMPREHENSIVE REVIEW OF FEDERAL PROPERTY MANAGEMENT.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall conduct a comprehensive review of Federal property management policies and procedures and make recommendations to promote better coordination between Government agencies, maximize efficiency, and encourage flexibility to make decisions which are in the best interest of the Federal Government.

(b) INCLUDED IN REVIEW.—The review required by this section shall include—

(1) recommendations requiring the General Services Administration, the Department of Defense, the Postal Service and all other Federal agencies and the Judiciary, when appropriate, to develop or modify existing building requirements in such a way as to allow for—

(A) the purchase, lease, lease/purchase of existing buildings at market rates; and

(B) the purchase of Resolution Trust Corporation-owned and Federal Deposit Insurance Corporation-owned real estate rather than new construction of buildings;

(2) in conjunction with the Director of the Congressional Budget Office, developing recommendations to revise scorekeeping rules for Federal property leasing, lease/purchase, construction, and acquisition to encourage flexibility and decisions which are in the best interest of the Federal Government; and

(3) recommendations on whether the Federal Buildings Fund should be maintained, alternatives for meeting the Fund's objectives, and changes to the Fund that will enable it to meet its objectives and become self-sustaining.

SEC. 3. REPORT.

Not later than two months after the date of enactment of this Act, the Director of the Office of Management and Budget shall report the recommendations developed pursuant to this Act to—

(1) The Senate Committees on Governmental Affairs, Appropriations, and Environment and Public Works; and

(2) the House of Representatives Committees on Government Operations, Appropriations, and Public Works and Transportation.

Mr. DECONCINI. Mr. President, I commend the Senator from Maine [Mr. COHEN] for bringing the matter of Federal office space acquisition to the attention of the full Senate. As a cosponsor of this bill, I have serious concerns about current policy with respect to the scoring of Federal building acquisitions. Under a provision accompanying the 1990 Omnibus Budget Reconciliation Act, all budget authority is scored up front for the full construction and financing costs for any long-term capital building lease or lease purchase in the year in which the project is approved. Outlays are scored up front for projects financed through arrangements where there is no financial risk to the private sector. Where there is private risk, outlays are scored to reflect estimated construction expenses as they occur.

Prior to the rule change, budget authority and outlays were scored as the expenses occurred. The logic behind the 1990 rule change was to reflect the long-term obligations to the Federal Government for the costs of Federal projects when Congress took action and to discourage Congress from authorizing projects which, long term, where more costly than direct Federal construction. However, there are limited funds to initiate new direct Federal construction and if the needs of the Federal Government are going to be met, it seems to me that we ought to be taking advantage of arrangements where the Federal Government does not have to provide the full amount for the project up front. Scoring should occur as expenditures are made, much the same as an individual makes mortgage payments for a personal residence.

Along the southwest border, a number of communities have expressed a desire to construct new border facilities to meet the anticipated trade demands associated with the North American Free-Trade Agreement. These communities are willing to sell bonds to finance the projects, then lease the facilities back to the Federal Government over a period of 30 years with the title to the facility being transferred to the Federal Government at the end of the contract term. However, because of the current scorekeeping rule, the Federal Government cannot take advantage of the financial support from State and local governments because the agency approving the action would have to demonstrate that it had the money in hand to cover the full long-term cost for the project.

As another example, when the Subcommittee on Treasury, Postal Service and General Government, which I chair, initially prepared its fiscal year 1993 spending recommendations for the General Services Administration, it was faced with a request to provide funding for a new Federal office building to be constructed in Philadelphia, PA. The project was to be constructed on land owned by the U.S. Postal Service with the Postal Service developing the estimated $300 million project. Because GSA would have entered into what appeared to be a capital lease for the Philadelphia project with the Postal Service, the subcommittee could not approve the project because it did not have $300 million to allocate to the project. As a result, the subcommittee recommended instead, direct Federal construction and provided several million dollars to initiate construction activities. By the time the appropriations bill went to conference, OMB had approved the project in the form of an operating lease for a period of 27 years. The only difference between the capital lease and operating lease that I could tell was that at the end of the operating lease the property would not be owned by the Federal Government whereas with a capital lease, title to the property would be transferred to the Federal Government. This is bad policy; why should the Federal Government make significant investments in an asset and then not own it at the end of the contract term? It appears that OMB renders decisions on what constitutes a capital lease versus an operating lease based on subjective criteria to get around the scoring rule when it so desires.

Scoring appears to be driving Federal building acquisition policy, not sound policy judgment. This whole issue must be dealt with in the context of the Government's long-term office space requirements. If those requirements can be best met through a capital lease, purchase, lease purchase, or direct construction, decisions should not be hamstrung because of budgetary scoring rules.

Again, I commend the Senator from Maine and would encourage the Clinton administration to take a hard look at this entire issue.

By Mr. HATFIELD:

S. 930. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Oregon; to the Committee on Energy and Natural Resources.

TALENT IRRIGATION DISTRICT LICENSE EXTENSION ACT

Mr. HATFIELD. Today I am introducing legislation which allows the Federal Energy Regulatory Commission to grant the Talent Irrigation District, in Jackson County, OR, an extension of its hydro project construction commencement deadline. The project is a 2.4-megawatt powerhouse, planned

as an attachment to the existing Emigrant Dam, on the Emigrant River in southern Oregon. Low water conditions in the Emigrant River, resulting from 7 years of continuous drought in Oregon, have caused the irrigation district to reevaluate the operating plan of the project. Although the district is scheduled to begin construction of the project before May 24, 1993, I believe granting them an extension of this deadline will enable them to better configure their project to maximize power production and fish enhancement in light of the reduced water flows in the Emigrant River.

Construction of the existing Emigrant Dam was completed in 1959. It has a structural height of 176 feet and impounds 39,000 acre feet of water, which is delivered to about 8,000 users, irrigating approximately 30,000 acres.

On May 24, 1989, FERC issued a construction license to the Talent Irrigation District for the hydro project extension at Emigrant Dam. The license required construction to commence within 2 years—by May 24, 1991. In January 1991, the district requested and received a 2-year extension of the construction commencement deadline, until May 24, 1993, citing the need to consult further with the Bureau of Reclamation and continue negotiating a power sales agreement.

All negotiations were completed by April 1992, but the low flow conditions in the Emigrant River have caused the Talent Irrigation District to reevaluate the hydro project's proposed operating plan. In order to do this, the district needs at least another 2-year extension of its construction commencement deadline. The Federal Power Act, however, only allows FERC to grant one 2-year extension to the district, which it already granted in 1991. Therefore, legislation is required to authorize FERC to extend the deadline further.

The legislation I am introducing today authorizes the FERC to grant the irrigation district up to two consecutive 2-year extensions. FERC already supports extending the deadline, as outlined by their November 30, 1992, letter to House Energy and Commerce Chairman DINGELL.

I am confident this legislation will provide the Talent Irrigation District with the opportunity to evaluate the operating plan for the Emigrant hydro project and adjust it to perform better under low water conditions, both for power production and fish enhancement.

I ask unanimous consent that a copy of the legislation and a copy of the November 30, 1992, letter from FERC to Chairman DINGELL appear in the RECORD after my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon request of the licensee for FERC Project No. 7829 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of such project for up to a maximum of 2 consecutive 2-year periods. This section shall take effect for such project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

FEDERAL ENERGY
REGULATORY COMMISSION,
Washington, DC, November 30, 1992.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN DINGELL: Thank you for your letter of October 13, 1992, requesting comments on H.R. 5967, a bill to authorize the Commission to extend the deadline for commencing construction of the Emigrant Dam Hydro Project No. 7829, to be located at the Bureau of Reclamation's Emigrant Dam on Emigrant Creek in Jackson County, Oregon.

On May 24, 1989, the Commission issued a 50-year license for the Emigrant Dam Hydro Project to the Talent, Rogue River Valley, and Medford Irrigation Districts. The license required project construction to commence within two years, *i.e.*, by May 24, 1991. In January 1991, the licensees requested and received a two-year extension of the construction commencement deadline, *i.e.*, until May 24, 1993, in light of the length of time required to consult with the Bureau of Reclamation on a required access agreement, and because the licensees had not been able to negotiate a power sales agreement. Pursuant to Section 13 of the Federal Power Act (FPA), 16 U.S.C. §806, there can be no more extensions of the deadline to commence construction.

H.R. 5967 would authorize the Commission, notwithstanding Section 13 of the FPA, to further extend the deadline for commencing construction of Project No. 7829 for up to two consecutive two-year periods, to May 25, 1995, and May 25, 1997, respectively. In a May 20, 1992, letter to Congressman Smith, the licensees stated such additional extensions would permit them to study the availability of flows for project generation and would allow the avoided cost rates to rise to a point that would make the project feasible at the present, reduced flows.

As I noted in my letter to you of August 13, 1992, on a similar bill, it may be appropriate, in light of current financing realities, to consider increasing the construction commencement deadline in Section 13 to six years. Consequently, I do not oppose H.R. 5967.

I appreciate your inquiry. If I can be of further assistance in this matter, please do not hesitate to call me.

Yours truly,

MARTIN L. ALLDAY.

By Mr. HATCH (for himself, Mr. BENNETT, Mr. CAMPBELL, and Mr. JEFFORDS):

S. 931. A bill to amend the Harmonized Tariff Schedule of the U.S. to clarify the treatment of certain sports clothing; to the Committee on Finance.

TARIFF REDUCTION LEGISLATION

Mr. HATCH. Mr. President, I would like to introduce legislation today that will maintain tariff rates that were in place prior to January 1, 1989, and which were sustained as a result of the inclusion of chapter 99 of the U.S. Harmonized Tariff Schedule [HTS], on certain types of protective ski apparel.

As you know Mr. President, on December 31, 1992, temporary duty suspensions expired on various articles coming into the United States. In the case of certain protective ski apparel, chapter 99 of the HTS provided temporary relief to ski apparel items that were deemed to be "sports clothing" due to the protective nature of the articles. I refer to the specific provision, as stated in the HTS, 1992, chapter 99, subheading 9902.62.01(a)(1). The term "sports clothing" refers to: (A) ice hockey pants, provided for in subheadings 6113.00, 6114.30, 6210.40, 6210.50, 6211.33; and (B) other articles of sports wearing apparel which because of their padding, fabric, construction, or other special features are specially designed to protect against injury; for example, from blows, falls, road burns, or fire.

Mr. President, the reason for adding chapter 99 to the HTS was because when the HTS replaced the old United States Tariff System [USTS] in 1988, there was no distribution made in the HTS between protective sports clothing and regular textile items. In many cases, as was the case with protective ski wear, these apparel items had been classified in the USTS as sports equipment at tariff rates much lower, sometimes as much as 8 to 10 times, than equivalent nonprotective textile items. Therefore, the intent of chapter 99 was to establish a mechanism to eliminate drastic duty increases that resulted from incompatible classification categories between the HTS and the USTS.

Chapter 99 was in complete harmony with the earlier classification of protective ski wear in the USTS, which classified protective ski wear as "sports equipment" at a 5.5-duty rate. Unfortunately, chapter 99 was only a temporary provision of the HTS and has now expired as of December 31, 1992. Due to the expiration of the duty suspension legislation of 1990, there is no longer any clear definition for "sports clothing" contained in the HTS.

This creates a problem because the term "sports clothing" is still referenced in the HTS. In the title to chapter 95 of the HTS, it states that "sports equipment" is covered in the chapter. In the legal notes of the chapter, "sports clothing" or "fancy dress" of textiles is directly specified as not being covered in chapter 95 but is cov-

ered in chapters 61 and 62. However, without a clear definition of "sports clothing" provided for in chapters 95, 61, or 62 of the HTS, there is uncertainty as to how certain protective sports apparel should be classified. Should the items be classified as sports equipment, as was formerly the case, or as general sports apparel?

As you know, Mr. President, the U.S. Customs Service makes determinations as to how various products are classified when the articles arrive at our borders. And since nonprotective ski apparel such as ski sweaters, ski suits, and ski pants are contained in chapters 61 and 62 of the HTS, Customs has little choice, in accordance with international textile agreements, but to classify all ski wear as "apparel" under chapters 61-and 62, regardless of whether it is protective in nature for the purpose of protecting participants against the hazards of ski racing.

Thus, I am lead to the reason for which I am introducing this legislation today. I would like to see protective ski apparel classified the same as it has always been historically, which is necessary "ski equipment" for ski racers. I submit that this determination is no different than classifying a football helmet as necessary sports "equipment" for football players. Unfortunately, there is no longer any distinction made between recreational ski wear and special racing apparel designed for the specific purpose of protection of participants in the sport of ski racing, and I think there should be a distinction.

Mr. President, I would like to provide some background and history in order to add substance to my argument. As I have mentioned earlier, under the old USTS all ski equipment, including protective ski wear such as padded sweaters, one-piece ski suits, and pants, was classified as ski equipment and dutiable at a rate that ranged from duty free to a rate of 7.3 percent. All protective ski wear was dutiable at a rate of 5.5 percent. In fact, until the United States began operating under the HTS, protective ski wear was classified in the USTS as "other skis and ski equipment" in section 735.06, due to the protective nature of the apparel, even though the apparel items were textile articles.

I refer to the Customs Service New York Port of Entry Rulings No. 805228 and No. 808946, dated March 11, 1983, and April 6, 1984, respectively, in which Spyder-Active Sports, Inc., requested a tariff classification for a protective, downhill ski racing sweater, style SR-1, manufactured in Hong Kong, and a pair of protective slalom ski racing pants, style Comp-pant, manufactured in Japan. It was ruled by Customs in each case that:

> Since this/these sweater/pants has/have a substantial protective feature along with its/their other features, style SR-1/Comp-pant shows design for use in the sport of slalom skiing. Style SR- 1/Comp-pant is classifiable under the provision for other ski equipment in item 735.06.

A more recent directive was issued to the New York import specialist from the Customs Commissioner's office in Washington, DC. Spyder-Active Sports, Inc., requested a tariff classification for protective, one-piece racing suits that were designed specifically for the U.S. Ski Team, located in Park City, UT. The issue arose because the ski team racing suits, which had been coming into the United States at a rate of 5.5 percent as ski equipment, were suddenly reclassified under a subheading in chapter 62 of the HTS at a rate of 30 percent. I personally inquired at the Customs Service in behalf of the U.S. Ski Team, which receives all of its racing apparel from Spyder.

Subsequently, in a letter addressed to me on September 16, 1992, former Customs Commissioner Carol Hallett determined that "after reviewing the matter—involving the one-piece racing suits—we determined that our field offices have mistakenly interpreted the tariff so that subheading 9902.62.01, Harmonized Tariff Schedule of the United States * * * does apply to ski racing suits, provided that those garments comply with the requirements of that subheading." Again, I refer to subheading 9902.62.01, which states "other articles of sports wearing apparel which because of their padding, fabric, construction, or other special features are specially designed to protect against injury, for example, from blows, falls, road burns, or fire.

To repeat, Mr. President, my purpose in introducing this piece of legislation is to preserve the tariff rates for protective ski wear and to avoid the inevitable consequences that will materialize if there is no substantive clarification provided for in the HTS as to what the term "sports clothing" actually refers. For without a substantive clarification, duty rates for specific protective ski wear items that have historically been classified as sports equipment under the USTS and chapter 99 of the HTS will increase as much as 10 times the current rates, which could devastate a very small and specialized industry.

I have several concerns about the effects that this much of a duty increase would have on U.S. ski wear importers. First, most ski wear importers are small in size, typically less than 20 employees, and duty rates play a significant role in the financial operations of a majority of these businesses. A significant increase in the tariff rates would be potentially devastating for several small ski wear importers in Utah and other States where the ski industry is a significant portion of the economy.

For example, Spyder-Active Sports, Inc., of Boulder, CO, who supplies the U.S. Ski Team with all of its racing apparel, imported a total of 362,002 dollars' worth of protective ski wear during 1992. Of that amount, $18,872, or 5.2 percent, represented the duty expense calculated at a 5.5-percent tariff on all the protective articles that Spyder imported that year. With the elimination of chapter 99 from the HTS, Spyder's duty expense, assuming the same import numbers from 1992, will be $61,810, a 225-percent increase in duty expense. This large of an increase will be destructive to a specialized company like Spyder, which supplies more than 70 percent of the protective ski wear market in the United States. Moreover, when these increases go into effect this year, the Federal Government will only be increasing its revenues from Spyder by $42,938. On the other hand, if the 5.5 tariff rate is maintained for protective ski wear, the Federal Government would maintain revenue neutrality with respect to protective ski wear.

Second, there is literally no domestic production capability for the specialized racing apparel that the U.S. Ski Team uses. You must remember that I am not talking about general recreational ski apparel but rather very specialized items produced only overseas for the specific purpose of racing. Furthermore, the end users of this type of specialized racing equipment happen to be the U.S. Ski Team members. In other words, these articles do not compete for sales against recreational ski apparel items that may be either produced domestically or imported at a higher duty rate. Therefore, by maintaining the lower tariff rates, there would be no negative impact for domestic producers, because there are none, or for domestic producers of recreational apparel, due to the lack of sales competition between recreational ski apparel and specialized, protective racing apparel.

Third, U.S. Ski Team equipment suppliers provide financial sponsorship to the team in addition to providing the team's equipment on a complimentary basis. Large increases in duty rates on imported equipment will make it more difficult for many of these suppliers to provide adequate levels of badly needed financial support for the U.S. Ski Team.

Finally, Mr. President, I would like to reiterate a point I made earlier in my remarks by readdressing the issue of revenue. At this time of budget constraints, there is much skepticism about the reality and practicality of passing a miscellaneous tariff measure due to the expected reduction of Federal revenues that would occur. Lack of offsetting revenues for many tariff reduction and suspension measures during the 102d Congress was the very reason why there was no miscellaneous tariff measure taken up by Congress during that time.

However, protective ski apparel items have never been classified as ski

clothing, of which some articles are subject to tariff rates of as much as 30 percent. Thus, by ensuring that protective ski wear retains its uniqueness from general recreational ski wear via a technical change in the U.S. notes of chapters 61 and 62 of the HTS, there will be no revenue loss as a result of implementing this measure.

I strongly encourage my colleagues to support this legislation.

By Mr. PELL (by request):

S. 932. A bill to amend the Bretton Woods Agreements Act to authorize consent to, and authorize appropriations for, the U.S. contribution to the Global Environment Facility, and for other purposes; to the Committee on Foreign Relations.

GLOBAL ENVIRONMENT FACILITY LEGISLATION

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Bretton Woods Agreements Act to authorize consent to, and authorize appropriations for, the U.S. contribution to the global environment facility, and for other purposes.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the acting general counsel of the Department of the Treasury to the President of the Senate, which was received on May 4, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 932

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 285, et seq.) is amended by adding at the end the following new section:

"SEC 61. (a) The Secretary of the Treasury is authorized to contribute to the Global Environment Facility $30,810,000, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated without fiscal year limitation, $30,810,000 for payment by the Secretary of the Treasury.".

DEPARTMENT OF THE TREASURY,
Washington, DC, April 28, 1993.

Hon. AL GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit herewith a draft bill, "To amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for the United States contribution to the Global Environment Facility, and for other purposes."

This legislation is a critical component of United States policy toward global environment issues. The Global Environment Facility (GEF) is a three-year pilot facility, created in 1991, that provides grants to developing countries for projects that benefit the global environment but have low financial returns and would not otherwise be undertaken. Pilot GEF funds are used to combat global warming, ozone depletion, loss of biodiversity, and pollution of international waters. The four tranches of GEF projects that have been developed thus far have steadily improved in project quality and balance among the four subject areas.

At the United Nations Conference on Environment and Development in Rio de Janeiro, Brazil last year, The Climate Change and Biodiversity Conventions accepted the GEF as their financial mechanism on an interim basis. Acceptance of the GEF as the permanent financing mechanism will require restructuring in several areas. International negotiations are underway on the restructuring and eventual replenishment of the GEF and are expected to be completed by the end of 1993. Creation of transparent, accountable and cost-effective financial mechanisms for these Conventions is central to vital U.S. interests in international environmental affairs.

In order to advance our international environmental objectives, the Administration is now seeking authorization for the United States to contribute $30.81 million to the GEF. Such authority, of course, is subject to obtaining the necessary appropriations. This contribution would provide leverage to the United States during the crucial 1993 restructuring and replenishment negotiations. It would also allow the United States to contribute to the Core Fund of the permanent GEF immediately upon its restructuring, thus assuring a steady revenue stream and preserving the GEF's momentum. Failure to contribute to the GEF Core Fund in FY 1994 would undercut U.S. negotiating leverage by sending a signal to GEF member countries that the United States is hesitant about playing a strong role in the GEF.

The draft bill would add a new section to the Bretton Woods Agreements Act to authorize the Secretary of the Treasury to contribute $30.81 million to the GEF, subject to obtaining the necessary appropriations.

It would be appreciated if you would lay the draft bill before the Senate. An identical draft bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection to the transmittal of this draft bill to the Congress, and that enactment would be in accord with the Administration's program.

Sincerely,

DENNIS I. FOREMAN,
Acting General Counsel.

By Mr. CHAFEE:

S. 933. A bill to amend title XIX of the Social Security Act to allow States to provide coverage under Medicaid for the costs of prescription drugs for qualified Medicare beneficiaries, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

• Mr. CHAFEE. Mr. President, in recent years we have seen significant increases in the cost of health care. One of the areas that I most frequently hear about from my constituents is the increasing cost of prescription drugs. These increases have disproportionately affected the population which most widely uses prescription drugs—our Nation's elderly.

According to the Congressional Budget Office, average annual out-of-pocket expenditures for prescription drugs are $550 per Medicare part B enrollee. For some, the cost will be much higher. Although Medicare covers the cost of prescription drugs while a patient is hospitalized, the program does not cover the cost of outpatient prescription drugs. Some seniors do have coverage of such drugs. For those who can afford Medicare supplemental insurance policies, or Medigap insurance, prescription drugs are usually covered. In addition, very low-income seniors are eligible for coverage under the State Medicaid programs.

There are Medicare-eligible individuals, however, who do not qualify for Medicaid, and do not have insurance coverage for outpatient prescription drugs. For these seniors, the cost of daily medication for a condition such as high blood pressure or high cholesterol, can severely restrict their ability to meet other critical living expenses such as food and rent. In come cases they are forced to forgo the medication altogether. Without proper medication, these people often wind up in our hospital emergency rooms, at a much higher cost to our health care system.

Today, I am reintroducing the Prescription Drug Purchasing Assistance for Older Americans Act. This legislation, which I originally introduced in 1991, will help make the cost of prescription drugs more affordable to low-income seniors. This bill gives States the option of extending their Medicaid prescription drug program to Medicare-eligible individuals with incomes below 110 percent of the Federal poverty level. In addition, this measure would give States the option of allowing those with slightly higher incomes to buy-in to the States' Medicaid prescription drug benefit. States would be permitted, but not required, to charge a premium to persons with incomes between 110 and 200 percent of the Federal poverty level. This premium, however, would be limited to 5 percent of the individual's adjusted gross income.

I am hopeful that this legislation will greatly assist low-income seniors who are struggling to pay for their medications, or who cannot afford them at all. I urge my colleagues to join with me in sponsoring this legislation. Thank you, Mr. President.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TIME.

This Act may be cited as the "Prescription Drug Purchasing Assistance for Older Americans Act".

SEC. 2. OPTIONAL STATE MEDICAID COVERAGE OF COSTS OF PRESCRIPTION DRUGS FOR QUALIFIED MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)) is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this title, in a State which provides medical assistance for prescribed drugs under section 1905(a)(12), the State may provide to—

"(i) a qualified medicare beneficiary, or

"(ii) an individual who would be such a beneficiary but for the fact such an individual's income exceeds the income level established by the State under paragraph (2) or section 1902(a)(10)(E), but is less than 200 percent of the official poverty line described in paragraph (2),

benefits for prescribed drugs in the same amount, duration, and scope as the benefits made available under the State plan for individuals described in section 1902(a)(10)(A)(i).

"(B) A State electing to provide benefits for prescription drugs to an individual described in subparagraph (A)(ii) may charge a premium or co-payment to such individual for such benefits but such premium or copayment may not exceed 5 percent of such individual's gross income.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to payments for calendar quarters beginning on or after January 1, 1994, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.•

By Mr. CHAFEE:

S. 934. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies in all States and to modify the requirements with respect to such policies; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

• Mr. CHAFEE. Mr. President, I am pleased to introduce legislation that would improve access in all States to Medicare supplemental insurance policies that provide benefits to Medicare beneficiaries through managed care networks such as health maintenance organizations and preferred provider organizations.

Also known as Medigap insurance, these policies pay a Medicare beneficiary's share of health care costs such as deductible and coinsurance payments for Medicare, as well as other services not covered under the Medicare Program. About 40 percent of elderly Medicare beneficiaries have some form of privately purchased Medigap insurance. But like all health insurance, the costs are rising quickly and not every beneficiary can afford to buy a policy.

Millions of Americans receive health care service through managed care networks. These plans are often more affordable and more comprehensive than traditional health insurance. Employers also use managed care systems to provide an additional option, along with fee-for-service medicine to their employees and retirees.

In 1990, I sponsored legislation which created a new choice for Medicare beneficiaries called Medicare Select. Medicare Select is a Medigap option linked to a managed care network. We hoped that because of this linkage, Medicare Select policies would cost less than traditional Medigap policies, would offer beneficiaries greater choice, and would improve quality of care through better coordination of services. Medicare Select gave beneficiaries who enrolled in managed care plans greater flexibility by allowing them to choose from a list of providers through a preferred provider organization or PPO. In effect, Medicare beneficiaries were given the same choices as the nonelderly population which chose to enroll in managed care.

Although the Senate passed the proposal without any limitations, the conference agreement limited the program to 15 States and will be allowed to continue for only 3 years. In addition, other changes in Medigap insurance regulation enacted at the same time create barriers to the success of managed care in the Medicare Program.

For example, most HMO's require a small copayment for each outpatient visit, usually excluding prevention services, in order to encourage appropriate utilization. Under the 1990 Medigap insurance law, Medigap policies cannot require Medicare patients to make copayments. This requirement does not fit into the traditional structure used by HMO's to offer coverage to Medicare beneficiaries.

This bill will correct these and other programs, and will create a standardized plan that HMO's and PPO's can use to ensure the success of managed care for Medicare patients. My bill also will eliminate the current arbitrary and unnecessary 15-State, 3-year limitation on the Medicare Select Program. Under this bill Medicare beneficiaries in every State will be able to choose this managed care option which will make the Medigap insurance more affordable. In encourage my colleagues to join with me in improving the managed care options offered to Medicare patients.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICARE SELECT.

(a) AMENDMENTS TO PROVISIONS RELATING TO MEDICARE SELECT POLICIES.—

(1) PERMITTING MEDICARE SELECT POLICIES IN ALL STATES.—

(A) IN GENERAL.—Subsection (c) of section 4358 of the Omnibus Budget Reconciliation Act of 1990 is hereby repealed.

(B) CONFORMING AMENDMENT.—Section 4358 of the Omnibus Budget Reconciliation Act of 1990 is amended by redesignating subsection (d) as subsection (c).

(2) REQUIREMENTS OF MEDICARE SELECT POLICIES.—Section 1882(t)(1) of the Social Security Act (42 U.S.C. 1395ss(t)(1)) is amended to read as follows:

"(1)(A) If a medicare supplemental policy meets the 1991 NAIC Model Regulation or 1991 Federal Regulation and otherwise complies with the requirements of this section except that—

"(i) the benefits under such policy are restricted to items and services furnished by certain entities (or reduced benefits are provided when items or services are furnished by other entities), and

"(ii) in the case of a policy described in subparagraph (C)(i)—

"(I) the benefits under such policy are not one of the groups or packages of benefits described in subsection (p)(2)(A),

"(II) except for nominal copayments imposed for services covered under part B of this title, such benefits include at least the core group of basic benefits described in subsection (p)(2)(B), and

"(III) an enrollee's liability under such policy for physician's services covered under part B of this title is limited to the nominal copayments described in subclause (II),

the policy shall nevertheless be treated as meeting those standards if the policy meets the requirements of subparagraph (B).

"(B) A policy meets the requirements of this subparagraph if—

"(i) full benefits are provided for items and services furnished through a network of entities which have entered into contracts or agreements with the issuer of the policy,

"(ii) full benefits are provided for items and services furnished by other entities if the services are medically necessary and immediately required because of an unforeseen illness, injury, or condition and it is not reasonable given the circumstances to obtain the services through the network,

"(iii) the network offers sufficient access,

"(iv) the issuer of the policy has arrangements for an ongoing quality assurance program for items and services furnished through the network,

"(v)(I) the issuer of the policy provides to each enrollee at the time of enrollment an explanation of—

"(aa) the restrictions on payment under the policy for services furnished other than by or through the network,

"(bb) out of area coverage under the policy,

"(cc) the policy's coverage of emergency services and urgently needed care, and

"(dd) the availability of a policy through the entity that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation without regard to this subsection and the premium charged for such policy, and

"(II) each enrollee prior to enrollment acknowledges receipt of the explanation provided under subclause (I), and

"(vi) the issuer of the policy makes available to individuals, in addition to the policy described in this subsection, any policy (otherwise offered by the issuer to individuals in the State) that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation and other requirements of this section without regard to this subsection.

"(C)(i) A policy described in this subparagraph—

"(I) is offered by an eligible organization (as defined in section 1876(b)),

"(II) is not a policy or plan providing benefits pursuant to a contract under section 1876

or an approved demonstration project described in section 603(c) of the Social Security Amendments of 1983, section 2355 of the Deficit Reduction Act of 1984, or section 9412(b) of the Omnibus Budget Reconciliation Act of 1986, and

"(III) provides benefits which, when combined with benefits which are available under this title, are substantially similar to benefits under policies offered to individuals who are not entitled to benefits under this title.

"(ii) In making a determination under subclause (III) of clause (i) as to whether certain benefits are substantially similar, there shall not be taken into account, except in the case of preventive services, benefits provided under policies offered to individuals who are not entitled to benefits under this title which are in addition to the benefits covered by this title and which are benefits an entity must provide in order to meet the definition of an eligible organization under section 1876(b)(1)."

(b) RENEWABILITY OF MEDICARE SELECT POLICIES.—Section 1882(q)(1) of the Social Security Act (42 U.S.C. 1395ss(q)(1)) is amended:

(1) by striking "(1) Each" and inserting "(1)(A) Except as provided in subparagraph (B), each";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by adding at the end the following new subparagraph:

"(B)(i) Except as provided in clause (ii), in the case of a policy that meets the requirements of subsection (t), an issuer may cancel or nonrenew such policy with respect to an individual who leaves the service area of such policy.

"(ii) If an individual described in clause (i) moves to a geographic area where an issuer described in clause (i), or where an affiliate of such issuer, is issuing medicare supplemental policies, such individual must be permitted to enroll in any medicare supplemental policy offered by such issuer or affiliate that provides benefits comparable to or less than the benefits provided in the policy being canceled or nonrenewed. An individual whose coverage is canceled or nonrenewed under this subparagraph shall, as part of the notice of termination or nonrenewal, be notified of the right to enroll in other medicare supplemental policies offered by the issuer or its affiliates.

"(iii) For purposes of this subparagraph, the term 'affiliate' shall have the meaning given such term by the 1991 NAIC Model Regulation.".

(c) CIVIL PENALTY.—Section 1882(t)(2) of the Social Security Act (42 U.S.C. 1395ss(t)(2)) is amended—

(1) by striking "(2)" and inserting "(2)(A)";

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(3) in clause (iv), as redesignated—

(A) by striking "paragraph (1)(E)(i)" and inserting "paragraph (1)(B)(v)(I); and

(B) by striking "paragraph (1)(E)(ii)" and inserting "paragraph (1)(B)(v)(II)";

(4) by striking "the previous sentence" and inserting "this subparagraph"; and

(5) by inserting at the end the following new subparagraph:

"(B) If the Secretary determines that an issuer of a policy approved under paragraph (1) has made a misrepresentation to the Secretary or has provided the Secretary with false information regarding such policy, the issuer is subject to a civil money penalty in an amount not to exceed $100,000 for each such determination. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).".

(d) EFFECTIVE DATES.—

(1) NAIC STANDARDS.—If, within 6 months after the date of the enactment of this Act, the National Association of Insurance Commissioners (hereafter in this subsection referred to as the "NAIC") makes changes in the 1991 NAIC Model Regulation (as defined in section 1882(p)(1)(A) of the Social Security Act) to incorporate the additional requirements imposed by the amendments made by this section, section 1882(g)(2)(A) of such Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed under this paragraph (such changed Regulation referred to in this subsection as the "1994 NAIC Model Regulation").

(2) SECRETARY STANDARDS.—If the NAIC does not make changes in the 1991 NAIC Model Regulation (as so defined) within the 6-month period specified in paragraph (1), the Secretary of Health and Human Services (hereafter in this subsection as the "Secretary") shall promulgate a regulation and section 1882(g)(2)(A) of the Social Security Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed by the Secretary under this paragraph (such changed Regulation referred to in this subsection as the "1994 Federal Regulation").

(3) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State adopts the 1994 NAIC Model Regulation or the 1994 Federal Regulation, or

(ii) 1 year after the date the NAIC or the Secretary first adopts such regulations.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

(i) requiring State legislation (other than legislation appropriating funds) in order for medicare supplemental policies to meet the 1994 NAIC Model Regulation or the 1994 Federal Regulation, but

(ii) having a legislature which is not scheduled to meet in 1995 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1995. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.●

By Mr. CHAFEE:

S. 935. A bill to amend title XVIII of the Social Security Act to exempt mental health services furnished to an individual who is a resident of a nursing facility from the limitation on the amount of incurred expenses for mental health services that may be taken into account in determining the amount of payment fur such services under part B of the Medicare Program; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

● Mr. CHAFEE. Mr. President, today I am introducing the Medicare Mental Health Improvement Act. This legislation will assure that Medicare beneficiaries who reside in nursing homes will get needed mental health care. Problems with untreated, or inappropriately treated, mental illnesses and behavioral problems are far too common in our nursing homes today.

Due to inequities in Medicare payment for mental health treatment, patients who reside in nursing homes have limited access to psychiatric and psychological services. All too often, when nursing home residents need mental health counseling and treatment, the common response of the attending physician is to prescribe psychoactive drugs. These medications often have unpleasant side effects such as leaving patients confused and causing them to lose their sense of balance. As a result, patients often fall and must be treated for serious physical injuries.

How can we improve access to these services? Under current law, Medicare treats physicians' services to nursing home patients as outpatient care. While most Medicare outpatient services require patients to pay for 20 percent of the charge, patients must pay for 50 percent of outpatient mental health services. For many Medicare patients, particularly those who live in nursing homes, this requirement is a major financial burden that worsens if they need followup treatment. For others, who may have serious mental illness, the copayment is uncollectible, and further discourages providers from treating nursing home residents.

The legislation that I introduce today would simply bring Medicare payments for outpatient mental health services for nursing home residents in line with reimbursement for other types of outpatient services. Under my proposal, copayments for mental health services for nursing home residents would be reduced from 50 to 20 percent.

Specialized consultation and treatment for mental illnesses has been proven to help, dramatically, patients who suffer from depression, and illness affecting one in three nursing home residents. This treatment can minimize the need for patient restraints and psychoactive drugs. Benefits of this treatment include more precise diagnosis, careful review of drug regimens, and better identification and treatment of depression. Patients will benefit from careful consideration of nondrug options for treatment, training for nursing home staff on how to better handle behavioral disturbances, and assistance to families to better un-

derstand the problem and assist in decisionmaking. One may also see resulting cost-savings for the Federal Government through decreased hospital admissions resulting from the use of inappropriate drugs.

In short, the treatment can result in better quality of life and well-being for nursing home patients, staff, and their families. I urge my colleagues to join me in cosponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM LIMITATION ON INCURRED EXPENSES FOR MENTAL HEALTH SERVICES UNDER MEDICARE FOR MENTAL HEALTH SERVICES FURNISHED TO NURSING HOME RESIDENTS.

(a) IN GENERAL.—Section 1833(c) of the Social Security Act (42 U.S.C. 1395(c)) is amended by inserting after "hospital" the following: "or a resident of a nursing facility (as defined in section 1919(a))".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenses for mental health services incurred in calendar years beginning with 1994.•

By Mr. CHAFEE (for himself, Mr. SIMON, and Mr. SHELBY):

S. 936. A bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the Medicare Program, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

• Mr. CHAFEE. Mr. President, today I am introducing legislation to make it easier for senior citizens to get needed physical therapy services through the Medicare Program. These services are critical to individuals who are suffering from such conditions as stroke or heart attack. My bill eliminates an existing $750 cap on payments for physical therapy or occupational therapy provided by therapists in independent practice.

Under current Medicare law, there is no limit to physical therapy services when they are provided either in a physician's office or on an outpatient basis in a hospital. Medicare does, however, limit reimbursement for services provided by an independent physical or occupational therapist to $750 per calendar year. When a patient who receives services from an independent therapist reaches his or her limit, the patient must either stop treatment, change to a therapist in a physician's office or a hospital, or pay for these services out-of-pocket. Not only is it a burden for seniors to change providers, but for those Medicare patients who live in areas where there is a shortage of health care providers, a therapist in a physician's office or hospital may be unavailable, or reachable only by traveling long distances.

Some may argue that removal of this cap will significantly increase Medicare expenditures for physical therapy services. The Health Care Financing Administration [HCFA], however, has placed the services of these physical therapists under the new Medicare physician fee schedule and volume performance standards. These regulations would control payment for services performed by independent practitioners based on a fee schedule. Therefore, an arbitrary cap on reimbursement is no longer necessary.

Beside decreasing the availability of services to senior citizens, the current limit may actually increase costs to the Medicare program. According to 1988 data, Medicare paid on average $1.62 less for physical therapy services by independent providers than for these same services when provided by a physician. Although $1.62 doesn't seem like much, when multiplied by the 1 billion physical therapy procedures that were billed to Medicare in 1988, the cost becomes clear.

My legislation would allow patients in need of physical and occupational therapy to receive these services without having to face the possibility of terminating treatment early, or continuing treatment elsewhere, because of a predetermined limit on Medicare reimbursement. I hope that my colleagues will join me in sponsoring this legislation which assures our senior citizens access to these critically needed services.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF ANNUAL CAP ON AMOUNT OF MEDICARE PAYMENT FOR OUTPATIENT PHYSICAL THERAPY AND OCCUPATIONAL THERAPY SERVICES.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 13951) is amended by repealing subsection (g).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 1994.

SEC. 2. EXTRA-BILLING LIMITS.

(a) ENFORCEMENT AND UNIFORM APPLICATION.—

(1) ENFORCEMENT.—Paragraph (1) of section 1848(g) of the Social Security Act (42 U.S.C. 1395w–4(g)) is amended to read as follows:

"(1) LIMITATION ON ACTUAL CHARGES.—

"(A) IN GENERAL.—In the case of a nonparticipating physician or nonparticipating supplier or other person (as defined in section 1842(i)(2)) who does not accept payment on an assignment-related basis with respect to a physician's service furnished to an individual enrolled under this part, the following rules apply:

"(i) APPLICATION OF LIMITING CHARGE.—No such physician, supplier, or person may bill or collect an actual charge for the service in excess of the limiting charge described in paragraph (2) for such service.

"(ii) NO LIABILITY FOR EXCESS CHARGES.—No person is liable for payment of any amounts billed for the service in excess of such limiting charge.

"(iii) CORRECTION OF EXCESS CHARGES.—If such a physician, supplier, or other person bills, but does not collect, an actual charge for a service in violation of clause (i), the physician, supplier, or other person shall reduce on a timely basis the actual charge billed for the service to an amount not to exceed the limiting charge for the service.

"(iv) REFUND OF EXCESS COLLECTIONS.—If such a physician, supplier, or other person collects an actual charge for a service in violation of clause (i), the physician, supplier, or other person shall provide on a timely basis a refund to the individual charged in the amount by which the amount collected exceeded the limiting charge for the service. The amount of such a refund shall be reduced to the extent the individual has an outstanding balance owed by the individual to the physician, supplier, or other person.

"(B) SANCTIONS.—If a physician, supplier, or other person—

"(i) knowingly and willfully bills or collects for services in violation of subparagraph (A)(i) on a repeated basis, or

"(ii) fails to comply with clause (iii) or (iv) of subparagraph (A) on a timely basis,

the Secretary may apply sanctions against the physician, supplier, or other person in accordance with paragraph (2) of section 1842(j). The provisions of section 1842(j)(4) shall apply for purposes of this paragraph except that any reference in such section to a physician is deemed also to include a reference to a supplier or other person under this subparagraph.

"(C) TIMELY BASIS.—For purposes of this paragraph, the term 'on a timely basis', means not later than 30 days after the date the physician, supplier, or other person is notified by the carrier under this part of a violation of the requirements of subparagraph (A).".

(2) UNIFORM APPLICATION OF EXTRA-BILLING LIMITS TO PHYSICIANS' SERVICES.—

(A) IN GENERAL.—Section 1848(g)(2)(C) of the Social Security Act (42 U.S.C. 1395w–4(g)(2)(C)) is amended by inserting "or for nonparticipating suppliers or other persons" after "nonparticipating physicians".

(B) CONFORMING DEFINITION.—Section 1842(i)(2) of the Social Security Act (42 U.S.C. 1395u(i)(2)) is amended—

(i) by striking ", and the term" and inserting "; the term", and

(ii) by inserting before the period at the end the following: "; and the term 'nonparticipating supplier or other person' means a supplier or other person (excluding a provider of services) that is not a participating physician or supplier (as defined in subsection (h)(1))".

(3) ADDITIONAL CONFORMING AMENDMENTS.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(A) in subsection (a)(3)—

(i) by inserting "AND SUPPLIERS" after "PHYSICIANS",

(ii) by inserting "or a nonparticipating supplier or other person (as defined in section 1842(i)(2))" after "nonparticipating physician", and

(iii) by adding at the end the following: "In the case of physicians' services (including services which the Secretary excludes pursuant to subsection (j)(3)) of a nonparticipating physician, supplier, or other person for which payment is made under this part on a basis other than the fee schedule amount, the payment shall be based on 95 percent of the payment basis for services of such type which are furnished by a participating physician, supplier, or other person.";

(B) in subsection (g)(1)(A), as amended by subsection (a), in the matter before clause (i), by inserting "(including services which the Secretary excludes pursuant to subsection (j)(3))" after "a physician's service";

(C) in subsection (g)(2)(D), by inserting "(or, if payment under this part is made on a basis other than the fee schedule under this section, 95 percent of the other payment basis)" after "subsection (a)";

(D) in subsection (g)(3)(B)—

(i) by inserting after the first sentence the following: "No person is liable for payment of any amounts billed for such a service in violation of the previous sentence.", and

(ii) in the last sentence, by striking "previous sentence" and inserting "first sentence"; and

(E) in subsection (h)—

(i) by inserting "or nonparticipating supplier or other person" after "physician" the first place it appears,

(ii) by inserting ", supplier, or other person" after "physician" the second place it appears, and

(iii) by inserting ", suppliers, and other persons" after "physicians" the second place it appears.

(b) INFORMATION ON EXTRA-BILLING LIMITS.—

(1) PART OF EXPLANATION OF MEDICARE BENEFITS.—Section 1842(h)(7) of the Social Security Act (42 U.S.C. 1395u(h)(7)) is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) in subparagraph (C), by striking "shall include" and by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(D) in the case of services for which the billed amount exceeds the limiting charge imposed under section 1848(g), information regarding such limiting charge (including information concerning the right to a refund under section 1848(g)(1)(A)(iv)).".

(2) DETERMINATIONS BY CARRIERS.—Subparagraph (G) of section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) is amended to read as follows:

"(G) for a service that is furnished with respect to an individual enrolled under this part, that is not paid on an assignment-related basis, and that is subject to a limiting charge under section 1848(g), will—

"(i) determine, prior to making payment, whether the amount billed for such service exceeds the limiting charge applicable under section 1848(g)(2);

"(ii) notify the physician, supplier, or other person periodically (but not less often than once every 30 days) of determinations that amounts billed exceeded such limiting charges; and

"(iii) provide for prompt response to inquiries of physicians, suppliers, and other persons concerning the accuracy of such limiting charges for their services;".

(c) REPORT ON CHARGES IN EXCESS OF LIMITING CHARGE.—Section 1848(g)(6)(B) of the Social Security Act (42 U.S.C. 1395w-4(g)(6)(B)) is amended by inserting "on the extent to which actual charges exceed limiting charges, the number and types of services involved, and the average amount of excess charges and" after "report to the Congress".

(d) EFFECTIVE DATES.—

(1) ENFORCEMENT AND UNIFORM APPLICATION.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 1994.

(2) EXPLANATIONS.—The amendments made by subsection (b)(1) shall apply to explanations of benefits provided on or after January 1, 1994, except that the requirement for including information concerning the right to a refund shall apply to explanations of benefits provided on or after July 1, 1994.

(3) CARRIER DETERMINATIONS.—The amendments made by subsection (b)(2) shall apply to contracts as of January 1, 1994.

(4) REPORT.—The amendment made by subsection (c) shall apply to reports for years beginning after 1994.•

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 937. A bill to provide for a 1-year delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act; to the Committee on Environment and Public Works.

MUNICIPAL SOLID WASTE LANDFILL REGULATORY EXTENSION ACT OF 1993

• Mrs. KASSEBAUM. Mr. President, I rise today on behalf of myself and Senator DOLE to introduce legislation that will promote compliance with new Federal solid waste management standards scheduled to take effect in October.

In 1984, Congress established stringent amendments governing municipal solid waste landfills. The regulations implementing that statute were made final in October 1991, and those requirements become effective in October of this year.

I strongly support the tough environmental standards embodied in these regulations, and I would oppose any effort to weaken them. But, as is so often the case in this Chamber, we have adopted a one-size-fits-all standard, and for residents of rural areas, the fit is particularly poor.

Despite a good-faith effort to comply, countless small communities will be unable to meet the October deadline. In my State of Kansas, for example, the timeline tells the tale. The EPA regulations were issued in October 1991, and the legislature passed implementing legislation at its next session, in the spring of 1992. That legislation created a fund to promote regional landfilling—a fund that, for technical reasons, did not become effective until January of this year. The State implementing regulations, which will be the final implementing mechanism, will not be approved by EPA and in place until at least August and possibly as late as early October. Remember, Mr. President, the deadline for counties to meet these requirements is October 9. In Kansas—and, I understand, in a number of other States—most landfills simply will not be able to comply.

At worst, the result will be roadside dumping as landfills close to avoid the new regulations before an alternative site is available. In many rural areas, there is no alternative. In parts of western Kansas, for example, the nearest subtitle D landfill is more than 200 miles away. Sparse population density makes the area unattractive to commercial disposal companies, and no regional landfills yet are sited. Except roadside ditches and gullies, there is no place to put trash once the local landfill closes.

Even if we are able to provide alternative sites, the best we can hope for is hurried planning, and that means bad planning. Our goal should not be to compel States to comply with Federal environmental law merely for the sake of compliance. Rather, our objective should be to develop thoughtful solid waste management programs within States that will best serve local environmental needs. But it takes time to site new regional landfills, taking into account geological, hydrological, and economic factors, to mention nothing of the political difficulties involved. It takes time to negotiate regional compacts committing counties to developing regional sites, and it will take time to win approval of those compacts from the State attorney general, as required under State law. It also takes time to build sufficient local support for the new taxes and bond issues that will be necessary to finance these changes.

Mr. President, this bill gives us that time.

This legislation would grant a 1-year extension of the initial deadline, from October 1993 to October 1994. It would not affect subsequent deadlines imposed by the regulation. I have given considerable consideration to many other options and have concluded that a 1-year legislative delay is necessary.

In a series of meetings, officials at the Environmental Protection Agency have been truly sympathetic to the concerns raised by Kansas and other States. They recognize that environmental protection is ill served if hurried decisions are forced upon rural communities, and they recognize that subjecting resources-poor small towns to citizen lawsuits for noncompliance would serve no environmental purpose.

As a result, EPA officials are contemplating an effort to extend this deadline administratively. I strongly support that effort, but for several reasons, I am not optimistic that it will prove effective. The regulatory rulemaking process is long and cumbersome, and in this effort, we are working against a rapidly approaching deadline. EPA pledges to try to resolve this issue before October, and I will support their efforts however possible, but rural communities need certainty much sooner.

Additionally, like EPA itself, I am skeptical that the Agency has the statutory authority to grant this extension. And even if it does, there is little

doubt that there will be a legal challenge to any such decision. While the titans litigate, the deadline would loom and rural areas still would have no certainty and no relief. I am convinced that we must seek a statutory solution.

I have worked with a number of interested parties to try to fashion a flexible solution, but to date we have been unable to reach agreement. Some have proposed making an extension contingent upon approval of a State waste management plan. Some have supported establishing criteria to extend the deadline for small, rural landfills while maintaining it for others. Still others have proposed giving regional EPA administrators the discretion to grant extension on a case-by-case basis to landfills that have made a good-faith effort to comply.

I am sympathetic to all of these notions, and I have delayed introducing this legislation in an effort to bring these competing interests together. Unfortunately, to date, that has produced a great deal of talk but little real progress. I am certainly willing to continue that dialog, and in fact I have requested from the chairman and ranking member of the Committee on Environment and Public Works a hearing on this matter.

But obtaining relief for rural landfills will take time, and I do not believe we can wait any longer to begin. The choice is clear: We can punish small communities for not meeting a arbitrary deadline, or we can give them the time they need to implement environmentally sound waste management.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Solid Waste Landfill Regulatory Extension Act of 1993".

SEC. 2. EXEMPTION OF CERTAIN LANDFILLS FROM MEETING REVISED CRITERIA.

(a) EXEMPTION.—During the 1-year period beginning on October 9, 1993, each municipal solid waste landfill that—

(1) is in existence on October 8, 1993; and

(2) meets the requirements of the criteria contained in regulations issued pursuant to sections 4004(a) and 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6944(a) and 6949a(c), respectively) as in effect on January 1, 1993,

shall not be required to meet any revised criteria that take effect after the date specified in paragraph (2).

(b) PRIOR CRITERIA APPLICABLE DURING EXEMPTION PERIOD.—During the period specified in subsection (a), a landfill referred to in such subsection shall be subject to the criteria referred to in paragraph (2) of such subsection.

(c) EFFECTIVE DATE OF REVISED CRITERIA.—Beginning on October 9, 1994, each municipal solid waste landfill shall be subject to the revised criteria applicable to the landfill issued pursuant to sections 4004(a) and 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6944(a) and 6949a(c), respectively), and any subsequent revision to the criteria.•

By Mr. LAUTENBERG:

S. 938. A bill to amend the Solid Waste Disposal Act to enhance recycling opportunities, and for other purposes; to the Committee on Environment and Public Works.

RECYCLING ENHANCEMENT ACT

• Mr. LAUTENBERG. Mr. President, today I am introducing the Recycling Enhancement Act. This bill, which incorporates ideas I introduced in the last Congress, contains a number of initiatives to enhance recycling opportunities in the United States.

Mr. President, the Congress has established source reduction followed by recycling as the highest priorities for waste management. Recycling reduces the amount of waste which must be disposed of, conserves natural resources and saves energy. Recycling has increased from 14.5 million tons or less than 10 percent of the garbage generated in 1980 to over 33.4 million tons or over 17 percent of the garbage generated in 1990. I am particularly proud that my State of New Jersey has increased its solid waste recycling rate in 1992 to 55 percent and its municipal garbage rate to 36 percent.

But if recycling is to achieve its full potential, we must address a number of problems. First, we must ensure that adequate markets are available for recycled goods. It is clear that communities will expand their recycling programs if markets exist for materials which could be collected. Markets need to be expanded for plastics and mixed paper. I will be working with Senator BAUCUS to develop proposals to ensure that adequate markets exist for used materials.

We also must use the procurement capability of the Federal Government to demonstrate leadership in recycling and to increase markets for collected materials. President Clinton's recent Earth Day announcement that he will sign an Executive order committing each Federal agency to increase its purchase of recycled products is an excellent example of the role the Federal Government can play in furthering markets for recycled materials. The Congress' decision to print the CONGRESSIONAL RECORD on recycled paper manufactured by Garden State Paper in New Jersey also shows the role the Government can and should play to further markets for recycled materials.

We also need to develop programs for wastes like lead acid and dry cell batteries, tires, cars, and appliances, also known as white goods, which present special problems.

My bill contains a number of programs to enhance recycling efforts. It will address problems in recycling white goods, automobiles, and plastics and in collecting materials for recycling from multistory buildings.

I. AUTOMOBILES AND APPLIANCES

Mr. President, the first provision in the Recycling Enhancement Act would establish a process to remove obstacles to the recycling of automobiles and appliances. Congressman TORRICELLI and I introduced provisions relating to automobile recycling in 1991.

Mr. President, three growing problems threaten our ability to recycle automobiles. Unless addressed, these problems will worsen our garbage disposal problems.

Discarded automobiles currently are recycled at a very high rate. Over 9 million automobiles were recycled in 1990. Auto hulks are fed into shredders which reduce the hulk into fist sized pieces of metal. This metal is recycled. The plastic, rubber, fabric, glass, and dirt in a car comes out as processing waste or fluff. Land disposal is the only present option for dealing with the fluff.

Right now, none of the nonmetallic material used in automobiles are being recycled. The amount of fluff from cars is growing because the amount of plastics used in cars is growing and plastic recycling has not addressed the different plastics resins mixed in the fluff.

If the nonrecoverable percentage of an automobile increases significantly, the recycling industry may be faced with disposal costs for fluff which are greater than the value of the recyclable fraction of the automobile.

Many Western European countries have proposed or pending regulations that effect the life cycle of automobiles. As a result, European auto manufacturers are the current world leaders in car recycling. We need to tap into the European auto recycling efforts.

A second problem facing automobile recyclers is the use of air bags containing sodium azide. Sodium azide is an explosive chemical and a poison and has been associated with threats to human health. Unexploded air bags cannot be detected in normal recycling operations.

The explosion of an undetonated air bag in equipment used to process and recycle automobile metal could cause serious injury to employees, damage equipment, and expose employees and others to sodium azide.

Finally, toxic materials may be used in building an automobile which can hamper recycling efforts and threaten human health. For example, cadmium is used widely to coat certain bolts in automobiles or as a coloring medium. Cadmium is included on numerous Federal lists of toxic chemicals which threaten human health and the environment including EPA's list of 17 chemicals which it has targeted for reductions.

According to EPA, in 1990 appliances made up 2 percent of the solid waste

stream. The recycling rate for appliances jumped from 7 percent in 1985 to 34 percent in 1990. This shows the potential for recycling white goods. But concerns regarding the use of plastics and toxics which inhibit recycling of automobiles also affect appliances.

My bill would require EPA to report to Congress on obstacles to auto and appliance recycling, methods to incorporate recyclability into the planning of new cars and appliances, amounts and types of toxic and nonrecyclable materials now used in cars and appliances, and methods for engineering new plastics which would be more easily recyclable.

The bill also requires EPA to study the use of economic incentives to promote recycling of appliances and publish guidance for using economic incentives to recycle appliances based on the results of the study.

The provisions regarding automobile recycling are supported by the Institute of Scrap Recycling Industries, which is the recycling industry's trade association. The institute sees these provisions as a model for working with other industries to design their products for recyclability. The provisions regarding appliances recycling are supported by the Association of Home Appliance Manufacturers.

II. MULTISTORY BUILDING RECYCLING

Mr. President, the Recycling Enhancement Act also incorporates the provisions of the Recycling Building Code Act of 1991. These provisions would require the Environmental Protection Agency to develop model construction standards providing suitable space for the separation, collection, and temporary storage of recycled materials in new multiunit and multifamily office and residential buildings.

While many communities are beginning recycling programs, most local building codes do not currently make provisions for recycling systems in multiunit and multifamily buildings.

Every multiunit or multifamily building constructed today is expected to last well into the 21st century. Most of these buildings will have internal waste management systems that address the needs and priorities of the 1950's. They have designs that made sense when their purpose was to remove garbage from a building as efficiently as possible. However, these designs, with their undersized garbage rooms and their single-chute garbage disposal systems, become serious impediments to the implementation of high-rise source separation and multimaterial recycling programs. By continuing to design and build outdated waste disposal systems in these buildings, developers are creating a lasting barrier to the widespread implementation of recycling programs.

Recycling programs have enormous potential in multiunit and multifamily buildings. Because these buildings generate a large volume of resolvable material in a small amount of space, it is possible to recycle in an efficient and profitable manner. In urban areas, materials, such as paper, accumulate quickly in large office buildings and apartment complexes. Collection can be far more efficient than in geographically extended curbside collection.

Unfortunately, unique obstacles confront recycling in office and residential multiunit buildings when recycling systems are not considered in the initial building design. Because the collection of recycling materials requires more space than does normal trash collection, many efforts to implement recycling programs are hindered by a lack of adequate space. Lack of collection space in these buildings can make it impossible to recycle bulk recyclables, can limit the types of materials that can be collected, and can make large-scale programs unprofitable.

Without some basic building design characteristics, recycling in multiunit and multifamily buildings may prove unworkable. Multiunit buildings must have adequate space for the storage and handling of recyclable materials which is in proximity to a loading dock or trash area that is easily accessed by a scrap dealer. Sprinklers must be installed near paper storage areas to reduce fire threats. In multiple story buildings recyclables must somehow get from the top to the bottom. Building such as rest homes or apartment complexes, with their characteristic long narrow hallways, must have space for collection containers that do not interfere with fire exits or fire regulations.

That is why these provisions are so important. They begin the process of planning ahead. They will require the EPA to develop model construction standards with the assistance of organizations involved in establishing national building construction standards. The EPA will then work to ensure that authorities which regulate building construction within States and localities adopt the Agency's model standards.

The Recycling Building Code Act was endorsed by the National Recycling Coalition, which represents organizations implementing recycling programs throughout the Nation.

The coalition's support is not surprising. State and local governments are recognizing the problem of recycling in buildings. Santa Monica, Minnesota, and Wisconsin have already changed their building costs for multitenant residences and offices for this reason. The Santa Monica ordinance requires an onsite recycling space standard for all new residential and commercial buildings. Residential buildings of over 10 units are required to have 100 sq. ft. for the first 10 units and 5 sq. ft. for each additional unit while commercial buildings over 10,000 sq. ft. are required to have 100 sq. ft. The State of Minnesota has recently amended the State building code to require suitable space for the separation, collection, and temporary storage of recyclable materials within new or significantly modeled buildings, and has a task force that is presently developing standards for this suitable space requirement.

Mr. President, if we want to make strides toward mitigating our present solid waste disposal problems, we must plan ahead. Buildings built today with outdated waste disposal systems will impede our progress in recycling tomorrow. This legislation will help ensure that we construct buildings with recycling in mind.

III. PLASTICS

Plastics are a rapidly growing segment of our garbage problem. In 1988, plastics made up almost 10 percent of the garbage which is discarded, up from 0.5 percent in 1960. But by 1990, the United States recycled only a small portion of this plastic, 0.37 million tons or roughly 2 percent of the plastic waste generated. Plastic soft drink bottles are the only plastic product which is recycled in any significant amount. The plastics industry has established a goal of recycling 25 percent of the plastic bottles and containers entering the solid waste stream by 1995.

EPA expects plastics entering the waste stream will increase from 16 million tons in 1990 to almost 25 million tons by 2000.

If we are going to increase recycling of plastics, we will need additional research to address the technical and economic problems in collecting, sorting, reclaiming, and marketing recycled plastics.

The most important problem revolves around the mixing of different types of plastics. Some use of plastics includes different resins. Mixed plastics can be processed only into relatively low-value items. Even those products which use one type of resin must be separated from products made with other types of resin.

Much of the existing research on plastics recycling is being conducted by the Center for Plastics Recycling Research at Rutgers University. This facility, which has been designated as a national University/Industry Cooperative Research Program by the National Science Foundation, is developing ways to recycle plastics at the highest level of economic value and with the greatest environmental benefits. The center developed an automated system for sorting virtually any plastic resin in the solid waste stream. It is essential that we foster these research efforts if we are going to increase our recycling of plastics and reduce the amount of garbage which must be disposed.

My bill would require EPA to designate three universities as plastics re-

search recycling centers to conduct research. These centers would conduct research on promoting increased recycling of plastic products and materials which are not currently recycled in significant amounts, developing improved methods for collecting, sorting, and reclaiming plastics, and new commercial applications for recycled plastic products and ways to expand commercial markets for recycled plastic products. The centers would be chosen based on a competition. And EPA funding would have to be matched by the universities and any corporate sponsors. Congressman TORRICELLI and I introduced this provision in 1991.

My bill also establishes plastic codes for plastic containers and lawn and leaf bags. These codes generally parallel the established voluntary coding system currently used by the plastics industry. And it requires EPA to establish codes for resins for which a code is not established based on standards established by the American Society for Testing and Materials and for plastic products. These codes will identify different types of plastic resins. Plastic coding eases sorting of plastics into different resins. This sorting enhances product quality makes the plastic resins more valuable.

Mr. President, the programs contained in the Recycling Enhancement Act will be important components of our Nation's recycling efforts. I hope my colleagues will support this legislation. And I ask unanimous consent that a copy of the bill be included in the CONGRESSIONAL RECORD.

The being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recycling Enhancement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the use of recycled materials in manufacturing can result in significant energy resource savings when compared to the use of virgin materials; and

(2) recycling can significantly reduce the quantity of waste that must be disposed of.

SEC. 3. NATIONAL RECYCLING OPPORTUNITIES.

Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following new heading:

"Subtitle F—Recycling and Federal Responsibilities";

and

(2) by inserting after section 6004 the following new sections:

"SEC. 6005. WHITE GOODS AND AUTOMOBILE RECYCLING.

"(a) STUDY REQUIREMENT.—The Administrator, in consultation with the Secretary of Transportation, the Secretary of Energy, the Secretary of Commerce, and interested and affected members of the public, shall conduct a study of the opportunities for recycling white goods and automobile components in the United States and the steps needed to increase the recycling.

"(b) MATTERS TO BE STUDIED.—In carrying out the study, the Administrator shall—

"(1) identify the quantities of white goods and automobiles collected for recycling and the percentage of the collected quantities that is recycled; and

"(2) consider, at a minimum—

"(A) the major obstacles to increased recycling of white goods and automobile components and how the obstacles can be overcome;

"(B) methods of incorporating recyclability into the planning, design, and manufacturing of white goods and new automobiles;

"(C) the use of toxic and nonrecyclable materials in white goods and automobiles and possible substitutes for the materials;

"(D) the feasibility of establishing design guidelines for white goods and automobiles that would result in a gradual phase-out of hazardous and nonrecyclable materials used in white goods and automobiles;

"(E) methods of engineering new and more easily recyclable plastics for use in white goods and automobiles;

"(F) any environmental impact from the recycling of white goods and automobile components;

"(G) reasonably available economic or market incentives to promote, as appropriate, recycling or environmentally sound alternatives for minimizing the landfilling of white goods, taking into account—

"(i) population densities;

"(ii) local markets;

"(iii) transportation distances and costs; and

"(iv) such other factors as the Administrator determines are relevant and appropriate.

"(c) REPORT.—Not later than 18 months after the date of enactment of this section, the Administrator shall submit to Congress a report on the study required by subsection (a). The report shall contain a discussion of each matter described in subsection (b), and the findings and recommendations of the Administrator.

"(d) GUIDELINES FOR WHITE GOODS RECYCLING.—Not later than 1 year after the submission to Congress of the report required under subsection (c), and after consultation with other interested Federal agencies, appropriate State and local officials, and interested and affected members of the public, the Administrator shall promulgate guidelines identifying appropriate economic and regulatory incentives to encourage recycling and other environmentally sound alternatives for minimizing the landfilling of white goods. In preparing the guidelines, the Administrator shall consider, at a minimum—

"(1) deposits;

"(2) disposal fees and rebates;

"(3) loans and loan guarantees;

"(4) tax incentives; and

"(5) regulatory restrictions on disposal in landfills.

"(e) DEFINITION OF WHITE GOODS.—As used in this section, the term 'white goods' means major appliances such as refrigerators, washing machines, water heaters, stoves, clothes dryers, and air conditioners.

"SEC. 6006. RECYCLING BUILDING CODES.

"(a) IN GENERAL.—The Administrator, in consultation with the Secretary of Housing and Urban Development, shall develop model construction guidelines that provide suitable space for the separation, collection, and temporary storage of material for recycling in new multifamily or multiunit building construction and major renovation of multifamily and multiunit buildings.

"(b) GUIDELINES.—The model construction guidelines shall be consistent with the safety, health, and well-being of building occupants and shall provide for recycling as an integral component of the waste management systems of the building.

"(c) ASSISTANCE OF ORGANIZATIONS.—To the maximum extent possible, the model construction guidelines shall be developed with the assistance of—

"(1) organizations involved in establishing national building construction standards; and

"(2) authorities of State governments or political subdivisions of State governments that regulate building construction.

"(d) REVIEW OF GUIDELINES.—

"(1) DRAFT GUIDELINES.—The Administrator shall make a draft of the model construction guidelines available for public review and comment.

"(2) FINAL GUIDELINES.—The Administrator shall make the final model construction guidelines available to the public not later than 2 years after the date of enactment of this section.

"(e) OUTREACH.—

"(1) IN GENERAL.—The Administrator shall conduct outreach activities to encourage the organizations and authorities described in paragraphs (1) and (2) of subsection (c) to adopt the final model construction guidelines.

"(2) ADDITIONAL OUTREACH ACTIVITIES.—The Administrator shall conduct additional outreach activities to disseminate information regarding recycling building programs of States and political subdivisions of States (in existence at the time of the outreach activities) and the implementation of the final model construction guidelines.

"SEC. 6007. NATIONAL CENTERS FOR PLASTICS RECYCLING.

"(a) ESTABLISHMENT OF CENTERS.—The Administrator shall establish 3 National Plastics Recycling Research and Development Centers (referred to in this section as 'Centers') at institutions of higher education.

"(b) TOPICS OF RESEARCH.—The research activities conducted by the Centers shall include research concerning—

"(1) methods of promoting the increased recycling of plastic products and materials present in large quantities in the solid waste stream that are not currently recycled in significant quantities;

"(2) the development of improved methods for collecting, sorting, and reclaiming plastics; and

"(3) new commercial applications for recycled plastic products and methods of expanding commercial markets for recycled plastic products.

"(c) GRANTS.—

"(1) IN GENERAL.—The Administrator shall make a grant to each Center.

"(2) AMOUNT.—The amount of the grant shall be equal to 50 percent of the cost to the Center of carrying out the research activities described in subsection (b).

"(3) MATCHING FUNDS.—The grant shall be made on the condition that the institution match the amount of the grant with funds provided from non-Federal sources (including funds provided by the State in which the Center is located, the institution of higher education associated with the Center, and the private sector).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to

carry out this section, $5,000,000 for each of the fiscal years 1993 through 1996.

"SEC. 6008. PLASTICS RECYCLING CODES.

"(a) DEFINITIONS.—As used in this section:

"(1) ASTM.—The term 'ASTM' means the American Society for Testing and Materials.

"(2) ISO.—The term 'ISO' means the International Standards Organization.

"(3) PLASTIC CONTAINER.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'plastic container' means—

"(i) a rigid or semirigid vessel, including bottles, made of plastic with a capacity of 8 fluid ounces or more and less than 5 gallons, designed to hold a commodity; and

"(ii) a flexible garden or leaf bag made of plastic.

"(B) EXCLUSIONS.—The term shall not apply to—

"(i) a vessel manufactured for use in a medical or laboratory process or procedure; or

"(ii) a container used in a motor vehicle.

"(4) PLASTIC PRODUCT.—The term 'plastic product' means an article, other than a plastic container, made of plastic and weighing more than 0.1 kilogram. The term shall not include a lead-acid battery regulated under part V.

"(5) PLASTIC.—The term 'plastic' means a material that contains as an essential ingredient one or more organic polymeric substances of large molecular weight, that is solid in its finished state, and that at some stage in the manufacture or processing into finished articles can be shaped by flow.

"(6) SAE.—The term 'SAE' means the Society of Automotive Engineers.

"(b) CODING REQUIREMENTS FOR PLASTIC CONTAINERS.—

"(1) IDENTIFICATION OF PLASTIC RESIN.—Effective beginning on the date that is 1 year after the date of enactment of this section, a plastic container manufactured in or imported into the United States shall be encoded on or near the bottom of the container to identify the principal plastic resin used in the manufacture of the container in accordance with paragraph (2) or (3).

"(2) PARTICULAR RESINS.—In the case of a resin identified in subparagraph (B), the code required under paragraph (1) shall consist of all of the following:

"(A) A symbol that is triangular in shape.

"(B) A specific number within the symbol and a series of letters immediately below the base of the symbol identifying the principal type of plastic resin from which the container was produced in accordance with the following schedule:

"(i) The number '1' and the letters 'PETE' for polyethylene terephthalate.

"(ii) The number '2' and the letters 'HDPE' for high density polyethylene.

"(iii) The number '3' and the letter 'V' for vinyl.

"(iv) The number '4' and the letters 'LDPE' for low density polyethylene.

"(v) The number '5' and the letters 'PP' for polypropylene.

"(vi) The number '6' and the letters 'PS' for polystyrene.

"(vii) The number '7' and the letters 'PC' for polycarbonate.

"(3) OTHER RESINS.—In the case of a resin or multiple resins that are not identified under paragraph (2)(B), including a resin that is added or revised by the Administrator under paragraph (4), the code required under paragraph (1) shall consist of all of the following:

"(A) A symbol that is triangular in shape.

"(B) Immediately below the base of the symbol, the letter or letters identifying the principal type of plastic resin from which the container was produced as provided in Table 1 or 2 of the American Society for Testing and Materials' Standards for Generic Marking of Plastic Products, ASTM D1972.

"(4) REVISIONS.—

"(A) IN GENERAL.—The Administrator, after consultation with standard setting organizations such as the ASTM, may, by rule, from time to time, add to or otherwise revise the designation of a resin referred to in paragraph (2)(B).

"(B) REQUIREMENTS.—Any such revision shall, as appropriate—

"(i) require any additional information that the Administrator considers appropriate to facilitate recycling of plastic resins;

"(ii) prohibit the use of any single resin code established under paragraph (2)(B) or designated under paragraph (4)(A) on any plastic container, if any nonprincipal resin used in the manufacture of the container is incompatible with its recycling based on the single resin code for the principal resin;

"(iii) adopt consensus codes developed under the auspices of ASTM, or, as appropriate, similarly recognized standards organizations, except in any case in which the Administrator determines that the codes are inconsistent with the purposes of this subsection; and

"(iv) adopt codes that, to the maximum extent practicable, promote an internationally uniform and compatible system of plastic container coding.

"(5) PETITIONS.—

"(A) IN GENERAL.—Any person may petition the Administrator to revise regulations issued under this subsection either to—

"(i) add to or otherwise revise the designation of a resin referred to in paragraph (2)(B), including a resin added or revised by the Administrator under paragraph (4); or

"(ii) adopt internationally accepted consensus coding requirements.

"(B) EXPLANATION.—The Administrator shall, not later than 90 days after receiving a petition under this paragraph, publish an explanation of the proposed response of the Administrator to the petition.

"(6) SAVINGS CLAUSE.—Nothing in this subsection should be construed—

"(A) to require coding or to prohibit the sale of any noncoded plastic container manufactured or imported and placed in commerce, or held as inventory prior to the effective date provided in paragraph (1); or

"(B) to preclude any manufacturer of a plastic container from including additional information on the container relevant to the identification of resins or additives used in the manufacture of the container if the information is not inconsistent with the requirements of this subsection.

"(c) CODING REQUIREMENTS FOR PLASTIC PRODUCTS.—

"(1) REGULATIONS.—

"(A) PROPOSED REGULATIONS.—Not later than the end of the 9-month period beginning on the date of enactment of this section, and after consulting with the ASTM, SAE, ISO, and, as appropriate, other similarly recognized standards organizations, the Administrator shall propose regulations requiring manufacturers of plastic products manufactured or offered for sale in the United States to encode the products to identify the principal plastic resins used in their manufacture.

"(B) FINAL REGULATIONS.—Final regulations requiring the encoding shall be promulgated, after notice and opportunity for public comment, not later than 18 months after such date of enactment.

"(C) EFFECTIVE DATE.—The effective date for the requirement to encode plastic products shall be 4 years after the date final regulations under this paragraph are promulgated, except that the Administrator may encourage earlier compliance where practical and without a cost penalty to the manufacturers.

"(2) LIMITATIONS.—Regulations required under paragraph (1) shall adopt codes—

"(A) that have been developed under the auspices of the ASTM, SAE, ISO, and, as appropriate, other similarly recognized standards organizations, except in any case in which the Administrator determines that the codes are inconsistent with the purposes of this subsection; and

"(B) that, to the maximum extent practicable, promote an internationally uniform and compatible system of plastic product coding.

"(3) APPLICABILITY.—The regulations required under paragraph (1) shall not apply to a manufacturer with respect to a plastic product produced in a quantity of less than 1,000 per year by the manufacturer and that has an expected useful life of 15 years or more.

"(4) REVISIONS.—

"(A) IN GENERAL.—The Administrator shall revise regulations issued under this subsection, as necessary and on a timely basis, to keep domestic plastic product recycling codes consistent, to the maximum extent practicable, with internationally accepted consensus coding requirements.

"(B) STANDARDS ORGANIZATIONS.—The revisions shall be made after consultation with the Secretary of Commerce, ASTM, SAE, ISO, and, as appropriate, other similarly recognized standards organizations and shall adopt codes developed under the auspices of the organizations, except in a case in which the Administrator determines that the codes are inconsistent with the purposes of this subsection.

"(C) PETITIONS.—

"(i) IN GENERAL.—Any person may petition the Administrator to revise regulations established under this subsection to adopt internationally accepted industry consensus coding requirements.

"(ii) RESPONSE.—Not later than 90 days after receiving any such petition, the Administrator shall publish an explanation of the proposed response of the Administrator to the petition.

"(5) SAVINGS CLAUSE.—Nothing in this subsection shall be interpreted to—

"(A) require coding of standing inventory manufactured prior to the effective date of the regulations, or parts or replacement parts made after the effective date of the regulations, if the parts or replacement parts are made (i) with tooling, and (ii) for products, both of which were manufactured prior to the effective date of the regulations; or

"(B) preclude any manufacturer of plastic products from including additional information on the products relevant to the identification of resins or additives used in their manufacture, if the information is not inconsistent with the requirements of this subsection.

"(d) UNIFORMITY.—No State or political subdivision of a State may enforce any requirement of a State or local law applicable to the coding of any plastic container or plastic product unless the requirement is identical to the provisions of this section and regulations issued under this section.

"(e) VIOLATIONS.—A violation of this section or a regulation issued under this section shall be determined on a per run basis, not on a per unit basis.".

SEC. 4. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended—

(1) by striking the item relating to the heading of subtitle F and inserting the following new heading:

"Subtitle F—Recycling and Federal Responsibilities";

and

(2) by inserting after the item relating to section 6004 the following new items:

"Sec. 6005. White goods and automobile recycling.
"Sec. 6006. Recycling building codes.
"Sec. 6007. National centers for plastics recycling.
"Sec. 6008. Plastics recycling codes.".●

By Mr. SPECTER:

S.J. Res. 91. A joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

DOMESTIC VIOLENCE AWARENESS MONTH

● Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate October 1993 and 1994 as National Domestic Violence Awareness Month. This resolution is the successor of four Senate joint resolutions which I introduced in the 100th, 101st, and 102d Congresses making National Domestic Violence Awareness Month public law in 1989, 1990, and 1991.

I have long been a supporter of legislation to address violence against women. As ranking minority member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, funding for family violence prevention programs has increased from $8.3 million in fiscal year 1990 to $24.7 million in fiscal year 1993. It is crucial that programs which assist in the prevention of family violence and provide shelter and related assistance for victims of family violence continue to receive our support. That is why I am again introducing National Domestic Violence Awareness Month to continue the focus of attention on controlling domestic violence.

According to the U.S. Department of Justice, 93 percent of the victims of violent crimes from 1982 to 1984 where the offender is a relative were females. In 1984, U.S. Surgeon General C. Everett Koop reported that domestic violence is the single largest cause of injury to women in the United States.

Domestic violence affects urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles. Therefore, it is fitting that we force attention on the growing national tragedy of domestic violence, and demonstrate our support for those individuals and organizations working to address it.

The incidence of domestic violence nationwide is staggering. According to the National Coalition Against Domestic Violence, over 50 percent of all married women experience some form of physical abuse in their relationships. However, the violence does not end there. A 1984 independent study by Ms. Lenore Walker, author of "The Battered Women Syndrome," found that 53 percent of abusive husbands beat their children as well as their wives, and that this violence is frequently repeated. During 1992, the National Coalition members provided shelter to more that 450,000 women and children from their unsafe homes. More disconcerting, however, is that across America approximately 70 percent of women and children seeking shelter in 1991 were turned away due to a lack of space.

In my own State of Pennsylvania, the incidence of domestic violence is especially acute. In fiscal year 1991–92, hotlines throughout the Commonwealth handled 157,428 abuse-related calls. The Pennsylvania Coalition Against Domestic Violence, headquartered in Harrisburg, PA, operates 47 shelters, 7 counseling centers and safehomes, and 61 hotlines throughout the Commonwealth. The Pennsylvania Coalition reports that in fiscal year 1991–92, these facilities provided services to 88,269 persons. The coalition members also provided 510,380 hours of counseling to victims and their children, and 166,170 shelter days to battered individuals.

Statistics show that there is a growing need for such facilities. The Pennsylvania Coalition reported a 12-percent increase in the number of shelter recipients in 1991. The total number of victims seeking aid is expected to continue to increase.

Unfortunately, despite these extensive efforts, existing shelters are as yet unable to meet the needs of all the victims. The Pennsylvania Coalition reported that in 1990, shelters were forced to turn away 11,339 women and children. According to national statistics provided by the National Coalition Against Domestic Violence, for every woman sheltered, three women in need of shelter must be turned away due to lack of space.

I long have been concerned about the devastating effects of domestic violence on American families. As a former district attorney of Philadelphia, I have witnessed first hand the tragic consequences of domestic abuse cases. Accordingly, I commend the efforts of the Pennsylvania Coalition against Domestic Violence, the National Coalition against Domestic Violence, the National Network for Victims of Sexual Assault, the Pennsylvania Junior League, and similar organizations that take such an active role in combating domestic abuse.

I urge my colleagues to join me in supporting this resolution to designate October 1993 and October 1994 as "National Domestic Violence Awareness Month" to focus attention on the pressing needs of domestic violence victims.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 91

Whereas it is estimated that a woman is battered every fifteen seconds in America;

Whereas domestic violence is the single largest cause of injury to women in the United States, affecting six million women;

Whereas rural and urban women of all racial, social, religious, ethnic, and economic groups of all ages, physical abilities and lifestyles are affected by domestic violence;

Whereas increasing evidence indicates that there are large numbers of immigrant women trapped in violent homes, isolated by abusive spouses who use the threat of deportation to maintain power and control over them;

Whereas violence escalates in both frequency and severity over time, becoming greatest at and after separation, when women are 75 percent more likely to be killed;

Whereas 40 percent of female homicide victims in 1991 were killed by their husbands or boyfriends;

Whereas in 1991, at least 21,000 domestic crimes against women were reported to the police each week;

Whereas one-fifth of all reported aggravated assaults—assaults where the victims suffered serious bodily injury—occur in domestic violence situations;

Whereas 74 percent of employed battered women are harassed by their abusive partners at work, causing 54 percent to miss at least three full days of work a month and 20 percent to lose their jobs;

Whereas 35 percent of medical emergency visits by women are the result of domestic violence, and 25–45 percent of all battered women are battered during pregnancy;

Whereas one-third of the domestic violence incidents involve felonies such as rape, robbery, and aggravated assault;

Whereas in 50 percent of families where the wife is being abused, the children of that family are also being abused;

Whereas some individuals in our law enforcement, medical, religious, mental health, and judicial systems continue to think of spousal abuse as a "private" matter and are hesitant to intervene and treat domestic assault as a crime;

Whereas in 1991 over 450,000 women, plus their children, were provided emergency shelter in domestic violence shelters and safehomes;

Whereas 40 percent of women in need of shelter may be turned away due to lack of shelter space;

Whereas the nationwide efforts to help the victims of domestic violence need to be expanded and coordinated;

Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children; and

Whereas the dedication and successes of those working to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the months October 1993 and October 1994 is designated as "National Domestic Violence Awareness Month." The President is authorized and re-

quested to issue a proclamation calling on the people of the United States to observe this month by becoming more aware of the tragedy of domestic violence, supporting those who are working to end domestic violence, and participating in other appropriate efforts.•

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S.J. Res. 92. A joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month"; to the Committee on the Judiciary.

NATIONAL DOWN SYNDROME AWARENESS MONTH

• Mr. MOYNIHAN. Mr. President, I rise today to introduce along with my colleague, Senator D'AMATO, a joint resolution to recognize the months of October 1993 and 1994 as National Down Syndrome Awareness Month.

Approximately 5,000 children are born each year with Down syndrome in the United States. While research and improving health care offer a brighter outlook for people with Down syndrome, we can significantly improve the lives of individuals with Down syndrome by increasing our awareness of their needs and capabilities. Many people with Down syndrome have demonstrated success in regular schools, businesses, and recreational teams. Their efforts must not go unnoticed and should be encouraged.

The National Down Syndrome Society, teachers, parent groups, and physicians are all making significant efforts to prepare those with Down syndrome for more independent living and are encouraging their further participation in mainstream activities. Television now offers programs with actors with Down syndrome and viewers can appreciate how Down syndrome affects families and individuals. We should continue to become more acquainted with their needs and abilities.

This resolution will do much to raise attention to Down syndrome. I encourage you to contribute to this effort by joining as a cosponsor. Those who have Down syndrome, their families, friends, and employers will appreciate your support.

Mr. President, I submit the following joint resolution and ask that the full text be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 92

Whereas advancements in education, research, and public awareness are continuing to improve the quality of life for people with Down syndrome;

Whereas approximately 5,000 children are born with Down syndrome annually in the United States;

Whereas as ignorance, prejudices, myths, and stereotypes regarding Down syndrome can be overcome only through increased awareness and education;

Whereas through the efforts of concerned physicians, teachers, parent groups, and the National Down Syndrome Society, programs are being established to educate the parents of individuals with Down syndrome, to include people with Down syndrome in all school programs, to provide vocational training for individuals with Down syndrome in preparation for entering the work force, and to prepare young adults with Down syndrome for independent living in the community;

Whereas the television medium has greatly augmented such efforts by casting actors with Down syndrome and by offering programming that demonstrates to hundreds of thousands of viewers in a positive and educational manner the everyday, personal, and family effects of living with Down syndrome;

Whereas advancements in research are improving health care and offering a brighter outlook for individuals born with Down syndrome; and

Whereas the many people with Down syndrome who attend regular schools, play on Little League teams, work in corporations and businesses both large and small, and volunteer in the community demonstrate daily the success that people with Down syndrome are able to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of October 1993 and October 1994 are each designated as "National Down Syndrome Awareness Month". The President is authorized and requested to issue proclamations calling upon the people of the United States to observe these months with the appropriate ceremonies and activities.•

By Mr. SPECTER:

S.J. Res. 93. A joint resolution calling for the President to support efforts by the United Nations to conclude an international agreement to establish an international criminal court; to the Committee on Foreign Relations.

INTERNATIONAL CRIMINAL COURT JOINT RESOLUTION

Mr. SPECTER. Mr. President, I am today introducing a resolution to promote the establishment of a permanent international criminal court with jurisdiction to try individuals alleged to have violated international law or to have committed crimes of an international character. This is a subject which this Senator has worked on, going back to 1986, in the context of terrorism and international drug dealing.

The question is now on center stage, with consideration for an international criminal court to try war criminals who have committed atrocious acts as the nation of Yugoslavia has disintegrated.

We saw, for some substantial period of time, nations unwilling to take action against terrorists or to extradite those terrorists to the United States where we would have jurisdiction. We saw, in the 1984 omnibus crime bill, the assertion of Federal jurisdiction on international hijacking and hostage-taking of Americans. Then, in the 1986 Terrorist Prosecution Act, which this Senator introduced and which was passed, we took a stand to protect American citizens, like those who were assassinated, murdered in cold blood at the Vienna and Rome airports in December 1985.

We had a serious situation with Abu Abbas, who was on an Egyptian airliner leaving Egypt, forced down over Italian soil by United States fighter pilots. In a standoff, the United States did not acquire custody. Abu Abbas was indicted in absentia in Italy—he was not present—and received a 30-year sentence, meaningless because he was not present. At that time, Mr. President, had there been an international criminal court to try terrorists, I think we would have succeeded in pursuing Abu Abbas and others like him.

We did gain jurisdiction over Fawaz Yunis, on a maneuver in the Mediterranean, off Cyprus. He is now serving a sentence in a Federal penitentiary, not long enough for the satisfaction of this Senator, but he is serving a sentence.

We made efforts on the international criminal court after the international drug problem became very acute. We had the situation, in Honduras, where the United States Embassy was stoned. Here, again, in our dealings with Colombia, I think, had we had an international criminal court, we could have gained jurisdiction over some international criminals where there was an unwillingness to extradite to the United States.

The issue has come to a head in Bosnia and Herzegovina, the former Yugoslav nation, where we have had atrocious acts, and the matter is now before the United Nations.

This resolution calls upon the President and our Ambassador to the United Nations to move ahead, to push the formation of an international criminal court.

There is a group of international parliamentarians, whom this Senator has worked with and others have worked with on the House side, working on this important measure. I think it would be an enormous step forward. It would, in effect, institutionalize the kind of criminal court we had in Nuremberg, but do it in a systematic way. There is nothing like the rule of law, and there is nothing like the rule of international law on areas where there is agreement that certain conduct constitutes international crimes. We need an international court to try those crimes.

As the United Nations and the International Law Commission work to draft a code for an international criminal court, this resolution calls upon President Clinton and Ambassador Albright to support these efforts and to provide any assistance necessary to these bodies to expedite the establishment of such a court.

I have been seeking to encourage the establishment of an international criminal court since 1986, but the concept for such an institution goes back to 1945. In the wake of the heinous

crimes committed by Germany and Japan during World War II, the allied powers established international military tribunals to try individuals accused of war crimes. The success of these tribunals in hearing the evidence and rendering judgment in accordance with principles of due process showed that international tribunals to try crimes committed in violation of a developing body of international law could be successful. Since 1945, the United Nations has sought to create an international criminal court.

My initial involvement with the issue stemmed from the increase in terrorism directed against Americans and the rise of international drug trafficking during the 1980's. I observed that many nations were unwilling or unable to extradite terrorists and drug traffickers to the United States to stand trial here for transnational crimes committed against Americans. Many of these nations face domestic political problems in extraditing someone to this country. Extradition can be perceived as a violation of a nation's sovereignty. In some cases, especially terrorist attacks, the people of a foreign nation in which the alleged criminal is located may be strongly supportive of the criminal act committed against an American, making it politically impossible to secure his extradition. In other cases, we may not even have an extradition treaty with the host country.

As a result of these difficulties in bringing terrorists and drug traffickers to justice in the United States, I began to search for an alternative mechanism to allow the rule of law to be enforced in a manner consistent with principles of due process.

I cannot overstate the importance to the international community of the need for adherence to principles of international law. The concept of a binding international law is an old one. It has roots in ancient and medieval legal and political doctrines, and was given a comprehensive theoretical treatment by the great jurist Hugo Grotius. Since then, the fortunes of international law have waxed and waned, but a critical step was taken with the success of the international military tribunals established after World War II.

Many examples of permanent international tribunals have been established in recent years. Among these courts are the International Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Rights, the Court of Justice of the European Community, the East African Common Market Tribunal, and the Court of Justice of the Andean Union. Other permanent international courts dealing with specialized subjects also have been established, especially in Western Europe.

Against this background, I offered an amendment to the Omnibus Diplomatic Security and Antiterrorism Act of 1986 expressing the sense of the Congress that the President consider the possibility of establishing an international court to prosecute terrorists. My amendment was adopted and subsequently enacted.

During consideration of the Anti-Drug Abuse Act of 1988, I offered an amendment expressing the sense of the Senate that the President should begin discussions with foreign governments to investigate the feasibility and advisability of establishing an international court to try international drug trafficking cases and other criminal cases of an international nature. This amendment was also adopted and signed into law.

In 1989, after my two amendments had been enacted, the U.N. General Assembly adopted a resolution calling on the International Law Commission, a body of jurists affiliated with the United Nations, to study the feasibility of establishing an international criminal court. The draft report of the International Law Commission, issued in July 1990, expressed the Commission's agreement in principle with the establishment of an international criminal court.

In the 101st Congress, I offered yet another amendment to the foreign operations appropriations bill calling on the President and the Judicial Conference of the United States to study and report to the Congress on the feasibility of establishing an international criminal court and on U.S. participation in such a venture. This amendment was also adopted and subsequently enacted into law.

As the 101st Congress drew to a close, we were all transfixed by events in the Persian Gulf after Saddam Hussein marched his army into Kuwait. The military invasion of Kuwait was an act of unwarranted aggression in violation of international law. Subsequent acts by the Iraqi military in Kuwait can also be categorized as blatant war crimes and other crimes in violation of international law. Among these were the horrible environmental terrorism committed by Iraq by setting Kuwaiti oil fields aflame and by spilling millions of gallons of oil into the Persian Gulf. In the wake of these actions by Iraq, the Senate passed the Persian Gulf War Criminals Act in 1991, calling on the President to propose to the United Nations the establishment of an international tribunal to prosecute Persian Gulf war criminals. This provision was based on Senate Resolution 71, which I had previously introduced in the 102d Congress. Nothing came of this effort to prosecute Iraqi leaders of war crimes.

Unfortunately, in 1992, the world was once again confronted with the face of war and a campaign of genocide in the former Yugoslavia. It appears as if Serbian forces have been conducting campaigns of ethnic purification, genocide, and organized rape, first in Croatian areas and now in Bosnian Moslem regions. These vile acts recall the barbarism of the Nazis and the genocide of the Khmer Rouge in Cambodia in the 1970's.

In the face of this most recent outrage and the continuation of international terrorism and drug trafficking, efforts to establish an international criminal court have become galvanized. In the summer of 1992, the American Bar Association adopted a resolution calling on the U.S. Government to work to establish an international criminal court. Then, in November 1992, the U.N. General Assembly adopted a resolution calling on the International Law Commission to begin the process of drafting a statute to establish an international criminal court. The U.N. Security Council has most recently established an ad hoc court to prosecute persons responsible for violations of international law in the territory of the former Yugoslavia. I would note that had a permanent international criminal court already existed, the process for investigating and bringing these war criminals to justice would have been greatly expedited. An international criminal court with jurisdiction over war crimes should act as a significant deterrent to those who would contravene the norms of international behavior and the laws of war.

The time has finally arrived for the creation of a permanent international court to try crimes of an international nature committed in violation of international law. Such a court is an institution that has been in the making since 1945. Its establishment has been debated and examined for almost five decades and it is now time to make it a reality. The world needs the court now because nations and individuals continue to be victimized by all manner of international crime, including genocide, military aggression, war crimes, including rape, terrorism, and drug trafficking.

Creation of a permanent international criminal court, established with the sanction of all the nations of the world acting in concert, will finally turn the promise of an international rule of law into a reality for all the peoples of the world. It is time to turn the goal into reality.

This resolution calls upon the President to assist in bringing this goal to fruition. Adoption of this resolution will advance an idea whose time has come and which will work to the benefit of all humankind. I urge my colleagues to support adoption of this resolution.

I ask unanimous consent that a copy of the resolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 93

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the preservation of international security and peace rests on adherence to the rule of law and principles of justice by the nations and peoples of the world;

(2) international security and peace are threatened by violations of international law by war crimes, genocide, military aggression, terrorism, drug trafficking, and other international crimes;

(3) violations of international law by such international acts have a severely detrimental effect on the United States, putting Americans at risk and costing the nation billions of dollars;

(4) the prosecution of individuals suspected of violating international law is often impeded by domestic political and legal obstacles imposed by the nations involved;

(5) the International Military Tribunals established after World War II to try suspected war criminals demonstrated that fair and effective prosecution of war criminals could be carried out in an international forum by nations acting in concert under international law;

(6) since its establishment in 1945 the United Nations has sought to establish a permanent international criminal court to try crimes committed in violation of international law;

(7) there are many examples of international judicial bodies successfully exercising legal authority over nations that have voluntarily agreed to submit to the jurisdiction of such tribunals;

(8) in 1978 the American Bar Association adopted a resolution urging the Department of State to open negotiations for a convention to establish an international criminal court with jurisdiction over international crimes of hijacking, violence aboard aircraft, crimes against diplomats and internationally protected persons, and murder and kidnapping;

(9) in the 99th Congress, in the Omnibus Diplomatic Security and Antiterrorism Act of 1986, it was expressed as the sense of the Congress that the President should consider the possibility of eventually establishing an international tribunal for prosecuting terrorists;

(10) in the 100th Congress, in the Anti-Drug Abuse Act of 1988, it was expressed as the sense of the Senate that the President should begin discussions with foreign governments to investigate the feasibility and advisability of establishing an international criminal court to expedite cases regarding the prosecution of persons accused of having engaged in international drug trafficking or having committed international crimes;

(11) the United Nations General Assembly adopted Resolution 44/39 on December 4, 1989, calling on the International Law Commission to study the feasibility of an international criminal court;

(12) the draft report of the International Law Commission issued in July 1990 expressed the Commission's agreement in principle with the idea of establishing a permanent international criminal court;

(13) in the 101st Congress, in the Foreign Operations Appropriations Act, Congress required the President and the Judicial Conference of the United States to report to the Congress on the establishment of an international criminal court;

(14) in the 102d Congress, the Senate passed, as part of the Persian Gulf War Criminals Act of 1991, a proposal calling on the President to propose to the United Nations the establishment of an international criminal tribunal to prosecute Persian Gulf War criminals;

(15) in 1992 the American Bar Association adopted a resolution calling on the United States Government to work toward solving the legal and practical issues regarding the establishment of an international criminal court;

(16) the United Nations General Assembly adopted Resolution 47/33 on November 25, 1992, calling on the International Law Commission to begin the process of drafting a statute for an international criminal court at its next session;

(17) the United Nations Security Council adopted Resolution 808 on February 22, 1993, establishing a war crimes tribunal to prosecute persons responsible for violations of international law in the territory of the former Yugoslavia; and

(18) the time has come for the United States to advocate the establishment of a permanent international criminal court and to assist in the preparation of a code under which such a court can operate and in the establishment of the court.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should support the efforts of the United Nations and the International Law Commission to establish an international criminal court with jurisdiction over violations of international law and crimes of an international character, including war crimes, acts of terrorism, and drug trafficking, and should provide any assistance necessary to expedite the establishment of such a court.

SEC. 3. REQUIRED REPORT.

Not later than December 1, 1993, the President shall submit to the Congress a detailed report in developments relating to, and United States efforts in support of, the establishment of an international criminal court.

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. BIDEN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 12, a bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes.

S. 50

At the request of Mr. WARNER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 106

At the request of Mr. HATCH, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 106, a bill to modernize the U.S. Customs Service.

S. 176

At the request of Mr. DOLE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 176, a bill to amend title XVIII of the Social Security Act with respect to essential access community hospitals, the rural transition grant program, regional referral centers, Medicare-dependent small rural hospitals, interpretation of electrocardiograms, payment for new physicians and practitioners, prohibitions on carrier forum shopping, treatment of nebulizers and aspirators, and rural hospital demonstrations.

S. 216

At the request of Mr. D'AMATO, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 257

At the request of Mr. BUMPERS, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 269

At the request of Mr. BAUCUS, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 269, a bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements.

S. 416

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

S. 466

At the request of Mr. DASCHLE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 466, a bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 479

At the request of Mr. DODD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 479, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

S. 499

At the request of Mr. LOTT, the name of the Senator from Utah [Mr. HATCH]

was added as a cosponsor of S. 499, a bill to amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony.

S. 540

At the request of Mr. HEFLIN, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 545

At the request of Mr. BOREN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer Social Security taxes paid with respect to employee cash tips.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 687

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 726

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 726, a bill to amend the Social Security Act to create a new program to update and maintain the infrastructure requirements of our Nation's essential urban and rural safety net health care facilities, and for other purposes.

S. 730

At the request of Mr. DORGAN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 730, a bill to ensure fair and free trade of certain agricultural commodities between the United States and Canada, and for other purposes.

S. 764

At the request of Mr. WOFFORD, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 764, a bill to exclude service of election officials and election workers from the Social Security payroll tax.

S. 784

At the request of Mr. HATCH, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 858

At the request of Mr. BOREN, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 858, a bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax system, and for other purposes.

S. 880

At the request of Mr. BOREN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 880, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives.

S. 920

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 920, a bill to amend the Higher Education Act of 1965 to simplify the delivery of student loans to borrowers and eliminate borrower confusion; to provide a variety of repayment plans, including income contingent repayment through the EXCEL Account, to borrowers so that they have flexibility in managing their student loan repayment obligations, through an orderly transition, the Federal Family Education Loan Program with the Federal Direct Student Loan Program; to avoid the unnecessary cost, to taxpayers and borrowers, and administrative complexity associated with the Federal Family Education Loan Program through the use of a direct student loan program; and for other purposes.

S. 925

At the request of Mr. INOUYE, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 925, a bill to require the Secretary of the Interior to pay interest on Indian funds invested, to authorize demonstrations of new approaches for the management of Indian trust funds, to clarify the trust responsibility of the United States with respect to Indians, to establish a program for the training and recruitment of Indians in the management of trust funds, to account for daily and annual balances on and to require periodic statements for Indian trust funds, and for other purposes.

SENATE JOINT RESOLUTION 84

At the request of Mr. DOLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. HEFLIN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 84, a joint resolution designating the week of June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the Fiftieth Anniversary of World War II."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. DECONCINI, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Concurrent Resolution 24, a concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania.

SENATE RESOLUTION 79

At the request of Mr. FEINGOLD, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Resolution 79, a resolution expressing the sense of the Senate concerning the United Nations arms embargo against Bosnia and Herzegovina, a nation's right to self-defense, and peace negotiations.

SENATE CONCURRENT RESOLUTION 25—RELATIVE TO CHINA

Mr. DORGAN (for himself and Mr. BURNS) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 25

Whereas China enjoys an overall annual trade surplus of more than $40,000,000,000, while the United States absorbed a $96,000,000,000 trade deficit for 1992;

Whereas China's trade surplus with the United States has exploded in the past 5 years, increasing from $3,500,000,000 in 1988 to $18,200,000,000 in 1992;

Whereas the United States share of China's wheat imports has undergone a downward trend, from 52 percent in 1988 to between 35 and 40 percent in the past 3 years;

Whereas China's actual volume of wheat purchases from the United States has fallen even more rapidly than the United States shares of that market, declining from nearly 300,000,000 bushels in the period 1988 to 1989 to a projected 110,000,000 bushels for this marketing year;

Whereas the Government of China has chosen to increase its purchases of wheat from other exporting nations despite the cash and grain incentives the United States offers to China to make United States wheat competitive in the world market; and

Whereas China's reduction in purchase of United States wheat during a period of rapid growth in China's trade surplus with the United States aggravates the serious trade imbalance between the 2 nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President, acting

under his authority in trade matters, should insist that the Government of China purchase a majority of its wheat imports from the United States as an indication that China is concerned about the trade imbalance between the 2 nations and wants to restore a healthy, reciprocal trading partnership.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, May 11, 1993, at 2:30 p.m. to consider the nominations of Gene Moos, James Gilliland, and Ellen Haas.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 11, 1993, at 9:30 a.m., in open session, to receive testimony from current and former members of the military services on the service of gay men and lesbians in the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 11, 1993, to receive testimony from James Hoecker, William Massey, Donald Santa, and Vicky Bailey, Nominees to be members of the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, May 11, 1993, at 10 a.m. to hold hearings on Treaty Doc. 103–1, the START II Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 11, beginning at 10 a.m., to conduct a hearing on the President's proposed fiscal year 1994 budget for the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on national service during the session of the Senate on Tuesday, May 11, 1993, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee be authorized to meet for a markup on Tuesday, May 11, at 9:30 a.m. on S. 185, the Hatch Act Reform Amendments of 1993; and S. 587, the Mansfield Fellowship Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, May 11, 1993, at 10 a.m. to conduct a hearing on tools for revitalizing severely distressed public housing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, May 11, 1993, in open session, to receive testimony on Trident submarine and missile programs in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

OLDER AMERICANS MONTH

• Mr. SARBANES. Mr. President, since 1963 when President Kennedy began this important tradition, May has been proclaimed "Older Americans Month," a time set aside each year for our Nation to honor senior citizens for their many important contributions.

Those of us who have worked diligently in the U.S. Senate to ensure that older Americans are able to live in dignity and independence during their retirement years look forward to this opportunity to pause and reflect on the contributions of those citizens who played such a major role in shaping the great Nation in which we live today. We honor them for the hard work and countless sacrifices they have made throughout their lifetimes and look forward to their continued contributions to our Nation's welfare.

Senior citizens of today have witnessed more technological changes than any other generation in our Nation's history. The average senior today has lived through a major depression, a world war, and incredible developments in the fields of science, medicine, transportation, and communications. It is imperative that we address the needs of these Americans who have devoted so much of their lives to the betterment of our Nation. I would note, in this regard, the passage last Congress of the reauthorization of the Older Americans Act. As a vigorous and consistent supporter of measures to benefit senior citizens, I am pleased that we were able to reauthorize this critical legislation. First enacted in 1965, the Older Americans Act has evolved from its original mandate to promote independent living among those older citizens with the greatest social and economic need into today's dynamic network of community and home-bases services so critical to so many of our Nation's seniors.

The need for such legislation becomes especially apparent during a time set aside to honor older Americans, the most rapidly growing segment of our population. Currently, the older Americans comprise 12.5 percent of the country's population. In my own State of Maryland, over 750,000 individuals are over the age of 60, representing 15.6 percent of Maryland's total population. By the year 2000, that percentage is expected to increase to 16.2 percent, slightly higher than the national average. This demographic transformation poses significant challenges and opportunities and the Older Americans Act provides an excellent framework from which to address these challenges as we move into the next century.

Mr. President, I was pleased that the Secretary of Health and Human Services appeared before the Senate Aging Subcommittee last month to pay tribute to the contributions of older Americans and to reaffirm the President's commitment to the Nation's elderly. I am confident that we now have an administration sensitive to the needs of older Americans and committed to affirming their continued dynamism. We are, of course, very fortunate in Maryland to have Senator BARBARA MIKULSKI serving as the new chair of the Senate Labor and Human Resources Committee's Subcommittee on Aging. As we continue our observance of "Older Americans Month," I look forward to working with Senator MIKULSKI and the rest of my colleagues in affirming the continuing contributions of older Americans to our society and in ensuring that they are able to live independently and with dignity.•

WE THE PEOPLE . . .

• Mr. DURENBERGER. Mr. President, it is with great pride that I again rise to commend an exceptional group of students from Hutchinson Senior High

School in my home State of Minnesota. In what has become a yearly tradition, these students once again proudly represented the people of Minnesota in the 1993 We the People . . . The Citizen and the Constitution competition. Held this past weekend in Washington, DC, this nationwide program judges students on their knowledge and understanding of the Bill of Rights and its relationship to both historical and contemporary issues.

Hutchinson's continued success is the result of constant hard work and immeasurable preparation. These leaders of tomorrow have put in countless hours of sacrifice and dedication in order to achieve a better understanding of the U.S. Constitution and the role it plays in our daily lives.

Mr. President, I congratulate the following individuals on a job well done and along with coaches Mike Carls and Barry Anderson, extend my thanks for allowing us all to benefit from their commitment to education: Cari Jo Larson, Emily Felling, Kari Carlson, Kerry Jensen, Jeremy Carter, Polly Nass, Patti Streeter, Jennifer Hoeft, Beth Haugen, James Meece, Sara Shimanski, Peter Hultgren, Adam Reiter, Justin Mann, and Scott Gesinger.

It has been a distinct pleasure for me to meet with the participants in this program throughout Hutchinson's 6-year reign as Minnesota State champions. This past Monday I was again afforded the opportunity to meet with these outstanding students. During our time together, I was again reminded of the talent and unlimited potential which fill America's schools.•

THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT

• Mr. BAUCUS. Mr. President, I rise today to cosponsor a very important bill, S. 636, the Freedom of Access to Clinic Entrances Act of 1993. This legislation will protect women, physicians, and other health personnel by establishing new Federal criminal penalties for individuals who choose to use the threat of force, or physical obstruction, that intentionally injures, intimidates or interferes with any person who is obtaining or providing abortion services. Furthermore, this legislation will protect private health care clinics from arson, vandalism, bomb threats, blockades, and other extremist tactics by allowing the Attorney General and the Federal Bureau of Investigation to bring Federal criminal charges against any person who intentionally damages or attempts to destroy the property of a medical facility simply because the facility provides abortion services.

The acute need for this legislation is all too evident in my home State of Montana where just last month the Blue Mountain Women's Clinic in Missoula burned to the ground at the hands of an arsonist. The Blue Mountain Women's Clinic became the second clinic that had to be closed in Montana due to arson in the last year and one-half. Frankly, this behavior cannot be condoned any longer in this country. If enacted into law, the Freedom of Access to Clinic Entrances Act will not only punish such crimes but it will also help to deter these criminal activities in the future by establishing strict penalties for individuals responsible for such acts. The Blue Mountain Woman's Clinic might still be intact today if we had had in place stronger Federal penalties. This bill deserves broad support from all who are opposed to this kind of senseless violence.

Mr. President, I have a constituent by the name of Dr. Susan Wicklund in Bozeman, MT who has received several life-threatening letters and phone calls over the last few months simply because she assists women who chose to exercise their constitutional right to have an abortion. I was appalled when I learned that the Federal Bureau of Investigation could not protect Dr. Wicklund or bring Federal charges against the perpetrator of these threats because there is no law which specifically gives them the authority to do so. Basically, their hands are tied. I think the time to untie their hands is now. Dr. Wicklund should not have to live in fear simply because she is doing her job and abiding by the law. S. 636 will allow Dr. Wicklund, and many doctors like her across the country, to practice their medical profession without living in fear and continually looking over their shoulder for potential attackers.

As we all know, the spread of violence surrounding the choice issue is on the rise in this country. We need to get a handle on it. We cannot stand by any longer and watch as more doctors are murdered like Dr. Gunn in Florida.

The first amendment to the Constitution guarantees all Americans the right to peaceful assembly. This bill is carefully crafted to ensure that this right is not violated. Peaceful expression of antiabortion views will not be penalized by this legislation. However, as should be the case, violent and intimidating behavior will be punished in a strict, but fair manner.

I ask my colleagues to help deter violence in this country by strongly supporting this important bill.•

A TRIBUTE TO TONY VOLPENTEST

• Mr. GORTON. Mr. President, "If you can dream it, you can do it."

No one knows the true meaning of this statement better than Tony Volpentest. He utters these words when confronted by the inevitable doubt of those who do not know him or the strength of his spirit. You see, Tony Volpentest was born without hands or feet. For 5 years he has pursued his dream of becoming a world class sprinter with long hours of training and a large dose of optimism. Many times people would challenge him, saying "You can't do that." Tony has shown them all that he can.

The bedroom walls in Tony's home in Mountlake Terrace, WA, are covered with plaques and medals he has won at track meets around the world. His greatest achievement occurred at the 1992 Paralympic Games in Barcelona, Spain, where he set world records in the 100- and 200-meter sprints. His times of 11.63 and 23.07 seconds respectively are impressive by any standard.

Tony was recently awarded the title of the "Old Spice Athlete of the Month" and his story was featured in last week's Sports Illustrated. His coach, Julie Rowe, says "he is the most impressive athlete I've coached in 25 years." Those who know Tony are not surprised.

Tony Volpentest's triumphs hold special meaning for me because his grandfather, Sam Volpentest, is a long-time friend. The encouragement and support of the entire Volpentest family played a significant role in fostering Tony's belief in himself. I know that Sam is endlessly proud of his grandson and his family. The Volpentest family has faced adversity and success together. I can think of nothing more honorable.

Tony continues to pursue his dreams. He is now training for a 100-meter exhibition race to be held July 27 at the U.S. Olympic Festival in San Antonio, TX. He also plans to try out in the fall for the track team at the University of Washington, where he will be a junior transfer. I salute Tony for his remarkable athleticism and his outstanding commitment to personal excellence, and I wish him, and his family, the very best.•

WE THE PEOPLE . . .

• Mr. BUMPERS. Mr. President, on May 1–3, more than 1,200 students from 47 States and the District of Columbia were in our Nation's Capital to compete in the national finals of the We The People . . . The Citizen and the Constitution Program. It is with pride that I announce that the class from Prairie Grove High School in Prairie Grove, AR, represented Arkansas in this competition.

The competing members of the team representing Arkansas were: Daniel Barker, Kevin Cohea, Stephanie Crawley, Matthew Dalmut, Kristina Elam, Travis Farrell, Lee Green, Bridgette Johnson, Natasha Moore, Mary Kay Row, April Sloan, Susan Vickery, and Janda Wetzel. These young students have expended tremendous effort to reach the national finals by winning district and State competitions.

The group's teacher, Frank Dalmut, has been tireless in his commitment to

his students and this program. This is the second time that Prairie Grove has carried the Arkansas banner in this contest.

Lacy Randall and Jeff Myers, district coordinators and State coordinator Judy Butler also deserve much credit for the success of the team.

This is a fine program, providing an opportunity for students to learn about and appreciate, with a more educated eye, the significance of our Constitution and its place in our history and our lives today.

Test results have shown that high school students who participate in this program score better than college freshman and sophomores who have not had the benefit of this program. This is one reason why I'm proud to support the legislation to make this program a permanent one at the Department of Education.

I take great pride in these students and I wish them well in future endeavors.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 7, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated May 6, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through May 7, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 4, 1993, there has been no action that affects the current level or budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Directors.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, AS OF MAY 7, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level resolution
ON-BUDGET			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−.5
Revenues:			
1993	848.9	849.4	+.5
1993–97	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,147.4	−313.8
OFF-BUDGET			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MAY 7, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level [1]	1,247,892	1,241,794	849,425
Total budget resolution [2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	960	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
Total	4,500	10,333

[2] Includes revision under Section 9 of the Concurrent Resolution on the Budget.

Notes: Amounts in parentheses are negative. Detail may not add due to rounding.●

TRIBUTE TO PHIL PHILLIPS

● Mr. BUMPERS. Mr. President, I rise to pay tribute to Arkansas' small business person of the year, Phil Phillips, Jr.

Phil Phillips, Jr., owner of Phillips Litho in Springdale, AR, started as a small printer in 1973 with five employees and $100,000 in revenues. Today his company boasts 100 employees and more than $7 million in sales.

Recently, the Arkansas Democrat-Gazette carried a story about Phil and his selection for this award. It characterizes much better than I can how Phil represents that entrepreneurial spirit that every successful businessman in this Nation possesses. I ask that it be included in the RECORD at this point.

The article follows:

PHILLIPS WINS BIG IN SMALL BUSINESS
(By D.R. Stewart)

SPRINGDALE.—When Phil Phillips Jr., president of Phillips Litho Inc., is congratulated these days for being named Arkansas Small Businessman of the Year, he reacts like the football coach he used to be.

"You want to try to do the best you can no matter what you do, and you want people around you to share those goals," Phillips said. "I have been fortunate to have those kinds of people around me." Teamwork. Loyalty. High standards. A tradition of excellence. Those have been the trademarks of Phillips Litho, the Springdale-based commercial printing company, for the past 20 years, area businessmen say.

But, in recognizing Phillips' odyssey from a small printer with five employees and $100,000 in revenues in 1973 to more than $7 million in sales and 100 employees today, the U.S. Small Business Administration and the Springdale Chamber of Commerce were noting more than business acumen.

G. Till Phillips, acting regional administrator of the Small Business Administration in Dallas, said Phil Phillips represents the entrepreneurial spirit at its best.

"Phil Phillips is noted for the contributions of his business to the local economy * * * as well as his personal contributions to the community, whether it's playing Santa at Christmas or the many boards he serves on," Phillips said.

The SBA official said Phillips was judged on seven criteria: staying power, growth in number of employees, increase in sales or unit volume, current and past financial reports, innovativeness of product or service, response to adversity and contributions to community-oriented projects.

Phillips is among 53 top small-business owners—one from each state, plus the District of Columbia, Puerto Rico/Virgin Islands and Guam—who will be honored by the SBA at national ceremonies in Washington from

May 9–15. As winner of the Arkansas Small Business Person of the Year award, Phillips is eligible for the National Small Business Person of the Year award, which will be given in May.

The Arkansas State Chamber of Commerce and Associated Industries of Arkansas Inc. will honor Phillips and other small-business award winners at the Third Annual "Arkansas Small Business Awards Luncheon" at the Riverfront Hilton Hotel in North Little Rock at noon May 5. Tickets must be ordered from the chamber by April 29.

Phillips said all the attention is not deserved. "Our success is due totally to the times and the area we live in and the attitude of the people in Northwest Arkansas," he said. "If local people can provide the same quality or better at affordable prices, people around here will stay with you and grow. * * * And, we have been very fortunate to attract a quality work force that can meet deadlines and do excellent work."

Tex Holt is an example, he said. Holt, owner of Tex Holt Tire Co. in Springdale, was Phillips' college roommate at Arkansas Tech, where Phillips graduated with a bachelor's degree in education in 1965. It was Holt, he said, who helped propel Phillips Litho's growth.

After playing defensive tackle at Arkansas Tech, Phillips coached high school football at Huntsville (Madison County) for four years. Then, in 1969, he moved to Siloam Springs High School where he coached football for another four years.

In 1973, Donrey Publishing Co., a newspaper publishing chain, purchased the Springdale News and wanted to shed its commercial printing business. Phillips was ready for a change. He bought the business.

It was a rough transition from a high school coach to the world of commercial printing, he said.

"Some of the lessons were hard to learn. There was so much of the business to comprehend," Phillips said. "There were so many different areas that made up the whole and becoming master of all of it was difficult. So you have to seek out masters in each area and rely on their expertise and wisdom for decisions that benefit the company."

One of those he relied on in the early days was Bob Hoyt, who had worked for the Springdale News (now the Springdale Morning News) and stayed on to tutor Phillips in the commercial printing business. Hoyt, he said, was a good teacher and very patient.

Although he knew little about the business when he started, Phillips said he could see the potential of commercial printing in Northwest Arkansas.

"The businesses that are dominant in the area today were here then—Tyson Foods, J.B. Hunt," Phillips said. "At that time, their (commercial printing) work was going out of the area." Phillips hired Holt to bring some of that business to Phillips Litho.

"Tex started our route sales business," Phillips said. "When we took over the business, the Springdale News was like a walk-in print shop. There were no salesmen. Everybody was their own salesman. Tex really developed our customer base, and gave us customers that have stayed with us ever since." Phillips Litho's customers read like a Who's Who of American business: Tyson Foods, J.B. Hunt, the Internal Revenue Service (tax forms), Allen Canning Co., Harp's Food Stores, Ozark Farms, Highland Dairy, Pride Farms and nearly 500 others. From a single offset press in a 5,000-square-foot print shop, the company has grown to include half a dozen presses, camera and paste-up rooms, collating and assembly lines and warehouses totaling 72,000 square feet. Eight construction programs have been undertaken during the past 20 years, the latest a 12,000-square-foot addition to house a million-dollar, six-color Heidelberg Speedmaster offset press.

The Heidelberg press is state-of-the-art technology, key to Phillips' telephone directory publishing division and one of its fastest-growing business segments, Phillips said.

"The reason it is important to our company is that these (telephone) companies want high quality covers but they also want to recycle those books," he said. "Recyclers won't take laminated or varnished covers. On this press we do high quality process color printing with an aqueous (water-based) coating. It gives a coating for protection and a quality look, and it is environmentally sound." Phillips' other divisions produce product and food container labels, business cards and letterheads, advertising brochures and annual reports.

Former Phillips salesman Tex Holt said his friend has come a long way and deserves the accolades he is receiving for his award.

"Phil has always been hardworking, very demanding, but very fair to work for," Holt said. "You always knew where you stood with Phil. We were fortunate to come along at the right time. The timing was probably perfect for a couple of kids right out of college.

"What Phil has done at Phillips Litho is just great. The quality controls—they check-and cross-check themselves to make sure they put out a quality product—is really something."

Holt paused for a moment, then added a thought that could have come from his friend, the former coach: "If you have pride in your work, you can produce a quality product," Holt said. "Phil has put together some quality people down there who do a great job at a fair price."

Mr. President, Phil Phillips is most deserving of this award and I want to congratulate him on his selection as the 1993 Arkansas Small Business Person of the Year.●

GORHAM HIGH SCHOOL, WINNERS IN WE THE PEOPLE—THE CITIZEN AND THE CONSTITUTION

● Mr. SMITH. Mr. President, I want to applaud the effort of the Gorham High School team of Gorham, NH, for their successful participation in the We the People . . . The Citizen and the Constitution Program.

The We the People Program is the most extensive education program in the country designed to educate young people about the Constitution and Bill of Rights. The national academic competition, in which entire classes testify and respond before a panel of judges to questions on constitutional issues, helps students understand their rights and responsibilities as American citizens. During the competition, the students received the highest score in the New England region, an honor for which we are very proud.

The team from Gorham High School was led by social studies teacher Michael Brosnan. The students included: Dan Adams, Chris Addario, Dale Burcalow, Allan Carpenter, Ryan Carreau, Lisa Ciacciarelli, James Godbout, Amy Horne, Sarah Lambertson, Leah Lemieux, Ellen McCrum, Bethany Parker, and Jennifer Simon.

These young scholars worked diligently to reach the national finals by winning district and State competitions. They traveled to Washington, DC, May 1–3, 1993, to compete against State winners from across the Nation. During the 3-day academic competition, students simulated a congressional hearing. They acted as expert witnesses and testified before a panel of prominent professionals from across the country, to demonstrate their knowledge of constitutional issues.

I believe this program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our lives today. I am proud of the Gorham High School team and commend them for taking part in this outstanding program.●

THE NEED FOR GREATER FOOD SAFETY AND INSPECTION

● Mr. DURENBERGER. Mr. President, I rise today to again draw attention to the concerns I have with the current food safety and inspection systems being carried out by the Federal Government. On May 6, I questioned the effectiveness of the Federal Government's food safety and inspection in a statement in the Senate.

I would like to announce to my colleagues that I have drafted a bill to unify the jurisdiction of the U.S. Department of Agriculture, Food and Drug Administration, Department of Commerce, and Environmental Protection Agency under a single, independent, Food Safety and Inspection Agency. This agency would better ensure the safety of our Nation's food supply through uniform scientific, risk-based analysis of food products. Scientific, uniform inspection procedures will be better for farmers, food processors, and consumers alike.

Mr. President, as world markets become more and more unified through international trade agreements, it will be important for the United States to adequately inspect the food that comes across our borders. The recent deaths in Washington State from Australian beef contaminated with E. coli, salmonella-tainted cantaloupes from Mexico that were in the news a year ago, and Chinese mushrooms contaminated with staphylococcus enterintoxin [SET] in 1989 are just a few examples of the potential hazards. Our food safety and inspection system must be reformed. I would like to reinforce this concern with the fact that only 2 percent of all imported foods are inspected by the Food and Drug Administration. The GAO has concluded that the FDA's

inspections are woefully inadequate—most recently in a report last summer on the inspection of imported cheese for Congressman TOBY ROTH of Wisconsin.

I will continue to raise the concerns I have with the Federal Government's food safety and inspection system, and I look forward to introducing my legislation in the very near future. It is my hope that my colleagues will join me in recognizing the need for reinventing this aspect of the Federal Government.

I ask that an article titled "Contaminated Cider Sparks Inquiry" from the May 11, 1993, Washington Post be printed in the RECORD following my statement. This article reveals that contamination does not exist solely in food products from foreign countries but also in cider from a local orchard.

Last, I want to stress again that uniform regulations will be good farmers, food processors, and consumers. A single agency will decrease the regulatory and legal burden on farmers and food processors while assuring consumers the absolute safest supply of food in the world. I look forward to introducing legislation and I urge my colleagues to join with me.

The article follows:

[From the Washington Post, May 11, 1993]

CONTAMINATED CIDER SPARKS INQUIRY—APPLES MUST BE WASHED BEFORE PRESSING TO REMOVE E. COLI BACTERIA

(By Wendy Melillo)

First hamburgers, now fresh-pressed apple cider—two American favorites. But today they share an unusual notoriety. Federal researchers have announced that fresh cider can contain the same harmful type of bacteria that last winter made people wary of ground beef.

The conclusion is based on a outbreak of *E. coli* 0157:H7 bacteria in 23 people who drank fresh cider purchased at a roadside stand in the Fall River area of Massachusetts. The patients, who ranged in age from 2 to 70, experienced abdominal cramps, vomiting and severe diarrhea. No deaths were reported.

The case, which occurred in the fall of 1991, was described in last week's Journal of the American Medical Association.

Although researchers were never able to isolate the *E. coli* bacteria from the cider, they concluded that the manufacturer's failure to wash and brush the apples before processing caused the outbreak of food poisonings. In autumn, orchards typically try to recoup apples that drop to the ground—and therefore are not eligible to be sold as fresh fruit under the U.S. Department of Agriculture's grading system—by adding them to the crop used to make cider. These apples can be exposed to dirt, animal waste and other debris. Scientists suspect that the apples involved in this case may have been contaminated on the ground or during production of the cider.

"We were able to link all but one of the ill people to the cider," said Richard E. Besser, a medical epidemiologist with the Centers for Disease Control and Prevention in Atlanta and an author of the study. "We are very confident that it was the cider."

The virulent *E. coli* bacteria also were responsible for the food poisoning outbreak on the West Coast last winter when four children died and more than 500 people became ill after eating infected hamburgers at Jack in the Box restaurants.

Apple cider, because of its strong acid content, is an unusual beverage to harbor *E. coli* organisms, officials say. The bacteria, which live in the intestinal tract of some animals including cows and deer, are more typically associated with undercooked meat and person-to-person contact. Outbreaks have been reported in day-care centers and nursing homes where, once a resident is infected, the organism has been passed to others through fecal contamination and unsanitary procedures.

Consumers can cut their risks of such an infection from apple cider, officials say, by heating the liquid to a boil, purchasing cider that has been treated with the preservative sodium benzoate, ensuring that the orchard washed and brushed the apples and used sanitary procedures in the cider-making process.

Researchers at the CDC were notified of the Massachusetts case after four children from the same Fall River area were diagnosed at Children's Hospital of Boston with hemolytic uremic syndrome, a condition that causes kidney failure, anemia and brain damage. Massachusetts public health officials said they eventually were able to trace the food poisionings to the cider because the initial cases were from the same town and were admitted to the same hospital.

"Many times, you have individual cases of food poisonings that are scattered and you never make a link to a particular product," said Nancy Ridley, director of the division of food and drugs for the Massachusetts Department of Public Health.

Epidemiologists have been hampered in their efforts to track *E. coli* infections because not all states require physicians to report cases to the local health department. As of October 1992, only 11 states require that *E. coli* infections be reported, and only four states require cases of hemolytic uremic syndrome to be reported, according to an editorial that accompanied the JAMA study.

The CDC's Besser has recommended changes to a committee of physicians established by the Department of Health and Human Services to advise states on the prevention of communicable diseases. He is suggesting that all states require physicians to report *E. coli* infections.

Officials are also concerned about the nature of the organism itself. It takes very few *E. coli* bacteria to cause serious illness in humans, and public health experts are uncertain about how widespread the microscopic "bugs" are in the environment.

"We don't know a lot about this organism," said Douglas L. Archer, deputy director of the federal Food and Drug Administration's Center for Food Safety and Applied Nutrition. "It is usually associated with cows, but how prevalent is it? Do raccoons carry it? I wish we had more research on this under our belts."

Archer said the federal agency is weighing whether to issue an advisory notice to state health departments, stressing the need for producers to adhere to safe manufacturing practices and emphasizing the importance of inspecting small retail operations.

The Massachusetts food poisonings were traced to the Old Swanzey Orchard, a small cider mill in the southeastern town of Swansea, which produced about 150 gallons of cider a week during the fall. The orchard had been issued a permit by the local board of health to produce the cider and sell it at a farm stand. State law requires that retail operations be inspected by the local board of health twice a year, but state officials were unclear about whether those inspections had taken place in 1991.

Massachusetts law also requires cider makers to include a date on all cider containers. This was not done in the case of the Swansea orchard, officials said. Since the food-poisoning outbreak, the orchard no longer produces apple cider.

"From our perspective, we feel there are some problems with how apple cider is produced," said the CDC's Besser. "We are encouraging manufacturers to only make cider from apples that are washed and brushed."

Yet, thoroughly washing apples before making cider may not be enough to eliminate bacteria, researchers say. There are cracks and crevices in apples that can allow bacteria to penetrate the fruit, said Michael P. Doyle, a professor of food microbiology at the University of Georgia who assisted in studying the Massachusetts outbreak.

Doyle tested samples of the Swansea apple cider for *E. coli* bacteria and also studied the effectiveness of preservatives in killing off the organisms. He found that the preservative sodium benzoate prevented the growth of *E. coli* and reduced bacteria levels to undetectable amounts within seven days, according to the study. Researchers also tested the preservative potassium sorbate and found that it had little effect on the bacteria.

Doyle said, however, that pasteurization or fermentation will also destroy the *E. coli*.

"The real take-home message is apple cider can be a hazardous food unless it is treated in some way to kill harmful bacteria either by heating or adding preservatives," said Doyle.

There have been two other reported cases of food poisonings from apple cider, federal researchers say. In 1980, an outbreak in Canada was traced to *E. coli* in fresh-pressed apple juice. A second outbreak, due to Salmonella contamination, was reported in New Jersey in 1974.

Locally, public health officials are reacting cautiously to the Massachusetts study. In Maryland, officials are reviewing how apples are harvested and will study if any changes need to be made regarding the licensing and inspection of cider mills. In Virginia, state officials plan to distribute a copy of the JAMA study to all 28 food inspectors. "We will reemphasize the need to thoroughly wash all fruits and vegetables where appropriate," said Art D. Dell'Aria, chief of the bureau of food inspection for the Virginia Department of Agriculture and Consumer Services.

Meanwhile, cider manufacturers are concerned that this is literally a case of one bad apple spoiling the entire barrel. "This was a very isolated case," said Frank Carlson, a co-owner of Carlson Orchards in Harvard, Mass., and chairman of the Massachusetts Cider Guild, which has conducted two educational seminars for cider producers since the outbreak. "When the state went to investigate the illnesses [at the orchard], they found food manufacturing violations. That answers it right there."

While Carlson is a firm believer in thoroughly cleaning apples before processing and has no problem with the use of preservatives, he questions the need for pasteurization. "Heating cider changes the taste," he said.

In addition, Carlson wonders about the failure to isolate the bacteria in cider samples taken from the Swansea orchard. "It does leave a question of was it really the cider?"

As for whether this will cause people to stop drinking cider, Carlson is doubtful.

"People are still eating hamburgers," he said, "and there are more hamburgers eaten in a day than cider is consumed in a month."•

HONORING A SERVANT OF THE PEOPLE

• Mr. KEMPTHORNE. Mr. President, today the people of my State lost a long-time friend and servant. I am saddened to report that Joe Williams, the State auditor for the State of Idaho for over 30 years, passed away.

Joe Williams was born into a pioneer Idaho family in Samaria, Oneida County, ID. He went to Boise High School where he was a distinguished athlete, and my alma mater, the University of Idaho. Elected in 1958 as State auditor, Joe served the people of Idaho longer than any elected official in Idaho's history.

Joe Williams was recognized nationally as well as within the State of Idaho. Joe Williams was the president of the National Association of State Auditors, Comptrollers and Treasurers and an honorary president of the National Conference of State Social Security Administrators. Joe Williams was also recognized when he received an award for patriotic service from the U.S. Treasury Department.

The father of seven college educated children Joe served his community in PTA and YMCA. He was honored as a Distinguished Citizen by the Idaho Statesman. The Hall of Mirrors in Boise was renamed the Joe R. Williams State Office Building when Joe retired in 1989.

Joe Williams was a founding father of Idaho and he will be missed.•

COMMEMORATING THE CAREER OF ROBERT W. FLEMING

• Mr. DURENBERGER. Mr. President, everyone knows that the past few decades have brought many changes to the practice of medicine in the United States. New technology has led to advances in the diagnosis and treatment of illness. Medical knowledge has developed to a point where what we once considered miracles are performed on a daily basis.

There is one man, Robert "Bob" W. Fleming, chair of administration at Mayo Foundation in Rochester, MN, who has experienced firsthand the changes in medicine in the last 40 years—at least at one institution.

Since Bob began his career at Mayo on January 3, 1950, his tenure has been seasoned by several Mayo milestones. In December 1950, a Mayo physician and a Mayo chemist, won the Nobel Prize for the discovery of cortisone. And in 1953, the Mayo Building opened and is now the primary location for patient care at Mayo.

During the 1960's and 1970's, Bob led the development of the Mayo appointment system that now handles more than 300,000 patient registrations annually. He also helped develop the organization of Mayo's largest department, the department of internal medicine.

The 1980's brought about many significant changes at Mayo—the merger of Mayo Clinic with Saint Marys and Rochester Methodist hospitals, and the openings of Mayo Clinic Jacksonville and Mayo Clinic Scottsdale. Bob was instrumental in guiding the institution through these changes.

Bob's first position at Mayo was in the insurance and collections department where he worked as an administrator. His early success in that department led him to other administrative positions in several medical and surgical areas. In 1972, Bob was named chair of the division of administrative services for Mayo, a position he held until 1982 when he was named chair of administration.

Bob has worked hard at whatever job he has held at Mayo. His hard work continued in his activities outside Mayo. In fact, at the time he joined Mayo, hockey was his No. 1 priority. He played right wing for the Rochester Mustang's hockey team. A job at Mayo was an added bonus.

Others in Mayo organization noticed his stamina, speed, and determination, the same traits he demonstrated on the hockey rink. Soon his capacity for work, keen memory, and penchant for organization became well known. More than 40 years later, his colleagues still credit him with these characteristics.

His 43-year career at Mayo, marked with numerous highlights, will end in February 1993, when he retires. He plans to travel and continue to be involved in the sport that led him to Rochester—hockey. He served as chair of the U.S. Olympic Hockey Committee from 1969 to 1981, and took up the challenge again in 1990. He will continue his service for the 1994 games.

Mr. President, it is with great pride that I recognize the tremendous contributions of Bob Fleming. In the words of those who know him best, "Bob would succeed, no matter what the time or the challenge, because he is truly a leader."•

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

• Mr. KEMPTHORNE. Mr. President, from May 1 through May 3, a class from Blackfoot High School came to the Nation's Capital to represent the State of Idaho in the national finals of the We the People . . . The Citizen and the Constitution Program. The team members included Matt Archibald, Joy Aldous, Ted Cannon, Brian Cook, Amber Empey, Eric Eskelson, Chad Harrington, Kamber Hone, Niklas Lampenius, Mandy Williams, and Kimberly Young. Their teacher, Joan Thompson, should be applauded for the time and effort she dedicated to educating and motivating this successful team. The district coordinator George Gates and the State coordinator Richard Pearson also provided essential support to help the students reach the national finals.

The competition included more than 1,200 students from 47 States and the District of Columbia. The program consisted of simulated congressional hearings, where the students testified before public and private professionals to demonstrate their knowledge of constitutional issues. The experience was an excellent opportunity for students to gain an appreciation of the significance of our Constitution, its place in our history and in our lives today.

I am proud of the way these students represented Idaho, and commend them and their teacher for their hard work. I wish them the best of luck in their future endeavors.•

HONORING DR. WON PARK

• Mr. D'AMATO. Mr. President, I rise today to honor a fine man upon his retirement. Dr. Won Park, a general surgeon, has retired from an active surgical practice after more than 33 years of dedicated service to the State of New York and the communities of Orange County.

Dr. Park was born in Korea. He graduated from Chonnan University in 1958 and, in 1960 came to the United States and settled in the Newburgh area of New York where he specialized in general surgery. He distinguished himself as a very skilled surgeon, a compassionate person and a dedicated physician to all of his patients. He is highly respected by his colleagues and is a fine example of what a skilled and gentle physician should be.

Dr. Park's dedication to the betterment of the community is an inspiration to all. His continued activities will continue to help the communities of East Orange County, NY.

I commend him.•

A CHILD'S FIRST TEACHER—PARENTS' ROLE IN EDUCATION REFORM

• Mrs. KASSEBAUM. Mr. President, as we renew the discussion of Federal education reform with the Clinton administration's Goals 2000 legislation, I would like to offer a few thoughts on the very origins of every child's education. Long before a child steps foot onto school grounds, he or she has already experienced the guidance of his or her first, and most important, teacher. Parents not only provide the love and nurturing children need in their early years but also help develop the social and communication skills that will ensure that a child is ready to learn. Although some children will need special help to meet that first

education goal, the role of the parent in this process is undeniable.

We all know that a parent's job as an educator does not end when the child enters school—in fact, it is just beginning. As a mother of four, I firmly believe that parents need to impress upon students the need to work hard and strive for high standards. Even the most motivated students can benefit from the reinforcement of interested and informed parents. On the other hand, without parental involvement in education, all the innovative strategies and instructional techniques that our schools can muster may be for naught.

The values of respect, responsibility, and perserverance—which are critical to success in school and life—are properly instilled in the home. There is little our school system can do if responsible behavior is not reinforced at home. In fact, I believe the biggest difference between American schools and schools in other countries is not the amount of money which is spent for education, but a difference in attitude toward the importance of education and in willingness to work hard in order to excel.

Unfortunately, we seem to have lost the respect for, and love of, learning, which is so critical to our ultimate success. The Washington Post reported last month that respect and discipline are rare commodities among students at Washington area high schools. "It used to be, certain things were assumed wrong. Stealing was wrong. Calling a teacher a name was wrong. At some point over the years, there was a shift. Now we have to explain what appropriate behavior is," stated Fairfax County School Board member Carla M. Yock. Clearly, appropriate behavior should be taught in the home, but parents' guidance is too often replaced by television and friends, which are hardly adequate role models.

Robert Samuelson recently wrote in the Washington Post that the real reason American students are falling behind is that "they don't work very hard." Not only are the problems in our educational system misdiagnosed to a large degree, the prescribed cure often misses the mark. He argues that school reform efforts are largely motivated by politicians' desire to "'do something' without frightening parents. The solution is a 'blame the schools' agenda that makes institutions responsible for any shortcomings of our students."

What, then, can be done to get at some of the root causes of educational failure? While I am convinced that parental involvement in education is crucial, and that a lack of family support can seriously impair a child's intellectual development, I realize that the Federal role in promoting parental involvement throughout the educational system is limited. What we have done at the Federal level is require parental involvement in Federal education programs. In chapter 1, the largest Federal education program, parental involvement is mandated by law. Local education agencies may only receive chapter 1 funds, which help educationally disadvantaged children reach their peers' level of performance, if they provide parental involvement opportunities. We are finding out, however, that a mandate alone may not be sufficient to achieve this goal.

The National PTA has released the results of its comprehensive survey of how well parent involvement provisions are being implemented in chapter 1 programs. The results show that less than 40 percent of chapter 1 parents are involved in school activities such as participating in parent advisory councils, attending parent skill workshops, or visiting schools. School districts involve just over half of eligible parents in making major decisions about the goals, budgets, and improvements needed in the programs. The survey revealed that not only do parents need to take a more active role in their children's education, but schools also need to work to make their environments more inviting to parents. The survey shows that we are far from where we want to be with regard to parent involvement in this important program.

I applaud the PTA for its efforts in bringing this problem to light. I know that the Senate Committee on Labor and Human Resources, on which I serve as ranking Republican, will look closely at the PTA's recommendations for improvement in the chapter 1 program as we reauthorize the Elementary and Secondary Education Act during this Congress. I am also grateful to the PTA for being an active participant in the education reform debate and for highlighting the importance of parent involvement throughout our educational system.●

NATIONAL DOWN SYNDROME AWARENESS MONTH

● Mr. D'AMATO. Mr. President, I rise today to join my colleague from New York, Senator MOYNIHAN, in introducing legislation designating October 1993 and October 1994 as "National Down Syndrome Awareness Month."

Every year, approximately 5,000 children are born with Down syndrome. The ignorance, prejudice, myths, and stereotypes that people with Down syndrome face can only be overcome through increased awareness and education.

We now know much more about Down syndrome than we did 20 or 30 years ago. In fact, many children who once would have been institutionalized now grow up at home and become productive members of their communities. Increasingly, children with Down syndrome attend mainstream classes at school, participate in sports and other extracurricular activities, and prepare to live independently.

Individuals with Down syndrome, through work in businesses, participation in volunteer programs, and involvement in community activities, demonstrate how successful people with Down syndrome can be.

National Down Syndrome Awareness Month provides an opportunity for the public to become more knowledgeable about Down syndrome and take actions to better integrate people with Down syndrome into the community. I am pleased to join my colleague, Senator MOYNIHAN, in introducing this legislation and urge my colleagues to join us in support of National Down Syndrome Awareness Month.●

ORDER OF BUSINESS

Mr. FORD. I suggest the absence of a quorum, Madam President.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DO NOT WRITE OFF BOSNIA

Mr. DOLE. Madam President, the momentum that had been building toward taking tough steps to stop Serbian aggression against Bosnia has slowed to a virtual halt. This is a direct result of our allies' unwillingness to come to grips with the reality of Serbian aggression and its consequences. It seems that the Europeans are quite comfortable and content with writing off Bosnia, while publicly pretending not to.

Mr. President, I am here to say that writing off Bosnia is terribly shortsighted and will have dire consequences not just for Bosnia, but for Europe, the United States, the NATO alliance, and the international community. Let me offer a few reasons to support this view: First, if not stopped in Bosnia, the conflict will spread to Kosova and Macedonia and will draw in our NATO allies, Greece, and Turkey on opposite sides; second, lack of United States and Western support for the besieged Bosnian Government, is leading, and will continue to lead, to the strengthening of radical Islamic fundamentalist forces in moderate, pro-Western Islamic States; third, the precedent of allowing internationally recognized borders to be changed by force will fuel instability in regions such as the

former Soviet Republics, by demonstrating world tolerance for acts of aggression by stronger countries against their weaker neighbors.

Let me remind everybody that Bosnia is a member of the United Nations; it is an independent nation.

Some of my colleagues may ask the question: Why does not Europe recognize the great risks of appeasing aggression in Bosnia?

Frankly, I do not have a good answer to that question. Perhaps it is lack of forward thinking; perhaps it is denial; perhaps it's weakness of will.

Over the last few days, it seems that the Europeans are eager to believe that the hardline Serbian President Slobodan Milosevic is a new hope for peace. In my view, this born-again Milosevic is just a mirage which will evaporate once the pressure is off.

Our allies also seem willing to wait indefinitely for the Serbian leadership to invent new ways to say no to peace. During the 6 weeks after the Bosnian Government signed the Vance-Owen plan the Bosnian Serb leader, Radovan Karadzic kept saying "No." Then last week, he reversed his position in Athens and signed the plan, after winning further concessions from Lord Owen. But, only a few days later the so-called Bosnian Serb parliament voted against the plan and proposed a referendum. Now the Europeans want to wait for the results of that referendum—even though it is illegitimate, and despite the fact that nearly all of the Bosnian Serb political and military leaders are openly adamant in their opposition to the peace plan.

Meanwhile nothing changes on the ground, it is the same situation we have seen for over a year now, ethnic cleansing continues unabated and is now also being carried out by Croat paramilitary forces.

Yet, in response, the Europeans are proposing unrealistic options for allied action, options which offer no hope of bringing this war to an end, let alone, containing it. These options are ones which, at best, freeze the current situation.

Most troubling is the Europeans' push to involve United States troops in protecting U.N. declared safe havens in Bosnia. One of these safe havens, the town of Zepa, was basically a ghost town by the time the U.N. observers got in 2 days ago; Thousands of people fled into the hills fearing they would be massacred by advancing Serb forces.

How do we help the Bosnians by sending our troops into a situation in which they cannot prevent the shelling of towns, and in which they have to rely on the goodwill of aggressor forces? The Europeans say that they are helping to get humanitarian aid in. Well, most of the citizens of Bosnia are not dying from starvation, but from sniper bullets and artillery shells. So participating in the protection of safe havens amounts to protecting U.N.-sponsored POW camps in which the POW's are innocent civilians.

Madam President, it seems to me that one way to bring the Europeans back into the real world is to unequivocally reject the safe havens proposal and to limit our consultations to options which offer hope of ending the war in Bosnia and containing it. As I see it, the options with the best hope of doing so are: First, lifting the arms embargo against the Bosnians, who under the U.N. Charter have the right to self-defense; and second, air strikes against Serbian military targets.

This is the course that the President set out on last week. I urge him to stay on that course and to really press our allies to join us.

The Allies' main objection to these two options is the presence of their troops on the ground. However, the Bosnian Government has not asked that these troops remain exposed and vulnerable. Indeed, the Foreign Minister of Bosnia and Herzegovina, Dr. Haris Silajdzic, on behalf of his government, officially requested that U.N. relief personnel be withdrawn or redeployed. In his statement, the Foreign Minister explained this decision:

We do so because concern over the safety of those personnel now constitutes a significant obstacle to the defense of this sovereign nation.

I ask unanimous consent that the full text of the Foreign Minister's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TO REMOVE FINAL OBSTACLE TO LIFTING OF ARMS EMBARGO, BOSNIAN GOVERNMENT OFFICIALLY REQUESTS WITHDRAWAL OF U.N. RELIEF PERSONNEL

WASHINGTON, DC, May 9.—The Foreign Minister of Bosnia-Herzegovina, Dr. Haris Silajdzic, today announced the formal request of his government that United Nations relief personnel either depart his country or be reconfigured to ensure their military defensibility. On behalf of his government, Silajdzic released the following statement:

The presidency and government of Bosnia-Herzegovina hereby officially requests that the United Nations withdraw, as expeditiously as possible, all U.N. personnel deployed on our territory for purposes of delivering humanitarian relief. We do so because concern over the safety of those personnel now constitutes a significant obstacle to the defense of this sovereign nation.

While deeply grateful for the valor of the many individuals who have served under the auspices of the United Nations on our territory, we find that the U.N. presence on the ground has become an impediment to critical decisions by the international community now urgently needed if our democratic, multiethnic republic is to be permitted the means to defend itself.

It is our intention today, in requesting the withdrawal of relief personnel, to remove that final obstacle to the lifting of the arms embargo.

Despite our best efforts, it remains insufficiently understood by international public opinion that the war in Bosnia-Herzegovina is not a civil war, but a war of fascist aggression against a multiethnic democratic republic. Our government and our army remain multiethnic, and we remain committed to the goal of preserving the Bosnian republic as a multiethnic democracy with full guarantees of all human rights for all citizens.

President Clinton understands our commitment and our desperate plight, and we have been encouraged by his efforts to achieve a lifting of the arms embargo so unfairly imposed upon our nation in its hour of need. We believe that the maintenance of the embargo, in the face of a continuing onslaught by fascist Serb forces, is not an act of conscience but of arrogant indifference to the fate of hundreds of thousands of loyal Bosnian citizens, who plead only for the right to defend themselves.

We regret that world opinion has been beguiled by the image of us as a helpless people. To be sure, we are besieged by a relentless aggressor. But our forces have fought with courage and skill against overwhelming odds created inadvertently by the misguided policies of the United Nations. Our forces and our people remain ready to fight on in defense of their liberty and their principles. Only if they are permitted the means to do so will we attain, within our nation and our region, the balance of power that is the prerequisite to a negotiated settlement that will bring lasting peace and stability.

Should the United Nations in its wisdom chose to reconfigure U.N. forces on our territory so that they can adequately defend themselves and so that their safety does not dominate international concern, we will welcome that decision. In the meantime, as the fate of our nation hangs in the balance, we beseech the Security Council to cease an arms embargo that has, in practice, constituted an international intervention against our legitimate rights as a Member of the United Nations. It is an intervention that not only undermines our own security but, by its unfairness and perverse result, compromises the principles and future of the United Nations itself.

Mr. DOLE. Madam President, it is high time that we start treating Bosnia and Herzegovina as a sovereign country with the same rights as other members of the United Nations. The members of the U.N. Security Council who oppose lifting the arms embargo are denying Bosnia a fundamental right—a right included in the U.N. Charter—a right which they would never wish to see denied to them.

Mr. President, the bottom line is that Europe, NATO, and the United States cannot afford to write off Bosnia and Herzegovina. If we do write off Bosnia, if we make this mistake, I fear we will have helped sow the seeds of instability not only in Europe, but also in the rest of the world.

Madam President, I conclude by suggesting that the President, in my view, has been doing the correct things. He has been trying to get a consensus. He had Secretary Christopher visit with our allies. He has consulted with Members in both parties. In fact, he is consulting, as I speak, with a number of Senators who just returned from this area.

I think the next step is to bring in the American people. Tell the Amer-

ican people why this is in our national interest. Why should the United States care? Notwithstanding all the horrible pictures we see and horrible acts we read about, why should we care about Bosnia and Herzegovina or the people who live there? Why should we risk American capital or American lives? Does it really make any difference? We need to demonstrate to the American people what the national interest is.

So I would hope that that will be forthcoming, and again I will support the President. I think he is on the right track, but again, I would urge the President not to listen too closely to our European counterparts who stood by for far too long, 1 year, 2 years, waiting in hopes that some resolution or some rhetoric might have some impact on the Serb regime, not the Serbian people; I might add, I think most of the Serbian people want peace, too. In fact, in the Serbian elections for President, Milan Panic received 35 percent of the vote. That is what was reported. I think he may have received many more votes than that, which is a strong indication that the Serbian people want peace, too. I make a distinction between the Serbian regime and the Serbian people.

So we do have an interest in this part of the world, and I know that many of my colleagues on both sides of the aisle are very concerned about any involvement. But if not now, when?

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. EXON. Madam president, I ask unanimous consent that when the Senate completes its business today it stand in recess until 1 p.m., Wednesday, May 12; that following the prayer, the Journal of proceeding be approved to date, and that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized to speak for the time limits specified: Senators DURENBERGER, LEAHY, GRASSLEY, GORTON, and GRAMM, of Texas, for up to 10 minutes each; Senator DORGAN for up to 20 minutes; and Senator DASCHLE for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 1 P.M.

Mr. EXON. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:48 p.m., recessed until Wednesday, May 12, 1993, at 1 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate May 10, 1993, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF ENERGY

VICKY A. BAILEY, OF INDIANA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1996, VICE JERRY JAY LANGDON, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 11, 1993:

DEPARTMENT OF THE TREASURY

FRANK N. NEWMAN, OF CALIFORNIA, TO BE AN UNDER SECRETARY OF THE TREASURY.

MARGARET MILNER RICHARDSON, OF TEXAS, TO BE COMMISSIONER OF INTERNAL REVENUE.

JEFFREY RICHARD SHAFER, OF NEW JERSEY, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

GEORGE J. WEISE, OF VIRGINIA, TO BE COMMISSIONER OF CUSTOMS.

DEPARTMENT OF DEFENSE

JAMIE S. GORELICK, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

DEPARTMENT OF STATE

THOMAS R. PICKERING, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, WITH THE PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

HARRY J. GILMORE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF STATE.

E. ALLAN WENDT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

ERIC JAMES BOSWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, WITH THE RANK OF AMBASSADOR.

MARY A. RYAN, OF TEXAS, TO BE ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS.

CONRAD KENNETH HARPER, OF NEW YORK, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE.

VICTOR MARRERO, OF NEW YORK, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

VICTOR JACKOVICH, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

WENDY RUTH SHERMAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE.

DEPARTMENT OF AGRICULTURE

JAMES R. LYONS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

RICHARD E. ROMINGER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF AGRICULTURE.

RICHARD E. ROMINGER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

BOB J. NASH, OF ARKANSAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR SMALL COMMUNITY AND RURAL DEVELOPMENT.

BOB J. NASH, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

WARDELL CLINTON TOWNSEND, JR., OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

EUGENE BRANSTOOL, OF OHIO, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

EUGENE BRANSTOOL, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NICOLAS P. RETSINAS, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.